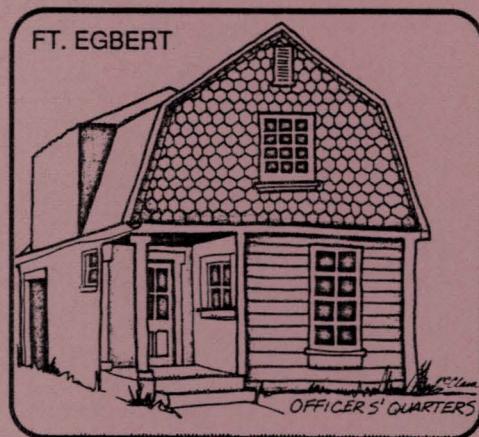
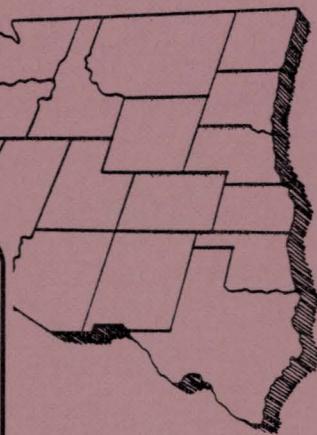
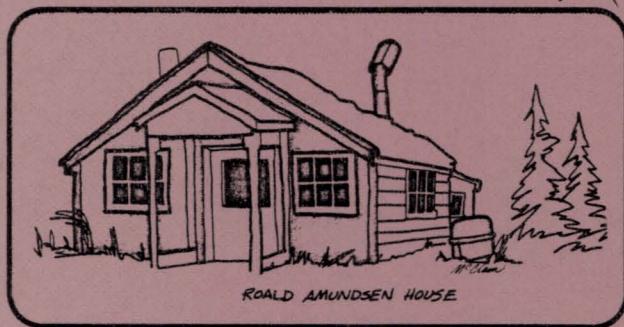
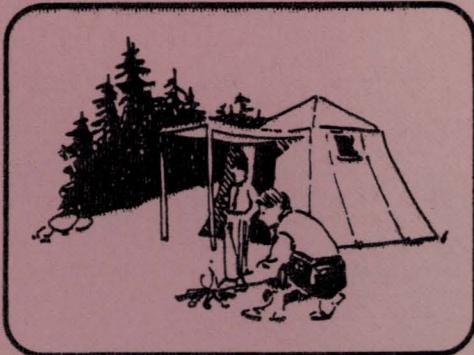
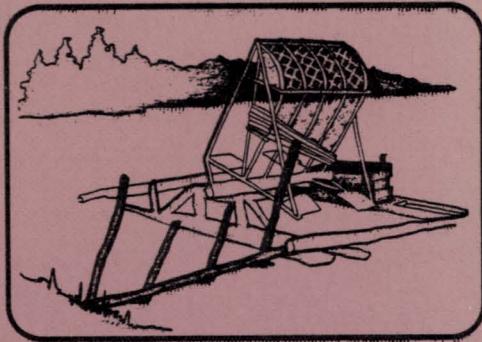
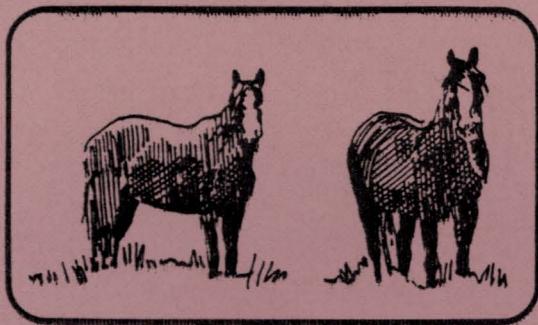
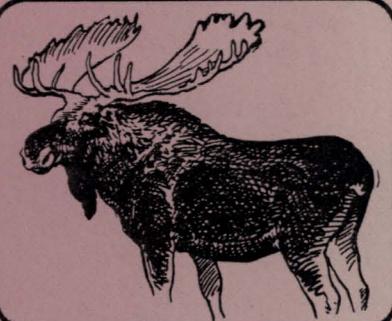
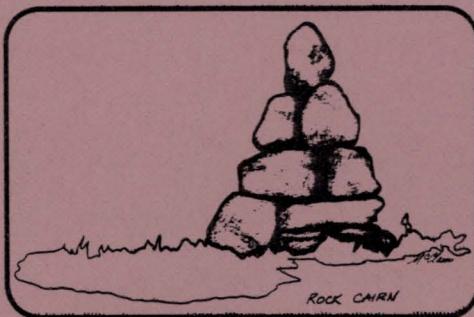




Bureau of Land Management
Alaska State Office



BLM and YOU





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

WELCOME TO THE BLM!

I am pleased to welcome you to the Bureau of Land Management in Alaska. You have just become a member of a distinguished professional workforce of diverse specialists, technicians and administrative personnel.

Our purpose is to manage the nation's multiple-use natural resources on public lands entrusted to the Bureau of Land Management. As a federal agency, we can meet the public land management objectives through the efforts of employees like yourself.

Due to growing concern for our natural resources, it is important that we, as Bureau of Land Management employees, work together in a team effort to establish and maintain a positive image and attitude. The Bureau is committed to earning and honoring the public's confidence and support as we strive to make sound resource management decisions. I support this commitment and I ask you to do your part by conducting all of your official actions in a responsible, credible and appropriate manner.

BLM managers recognize that their greatest challenge and opportunity is the proper management of their most important resource - you, the employee! To meet the challenge of managing this workforce requires continuing innovative management. We want to be sure that through orientation, training and motivation programs we help you achieve your career objectives while accomplishing the BLM's mission. This begins with your introduction to the Bureau of Land Management through the employee orientation program.

It is important that you acquaint yourself with the materials provided within this notebook. It has been developed to provide you an overview of the Bureau, and address concerns usually held by new employees. You may wish to add information of personal value to the notebook as you progress through the program. Your supervisor and personnel office will review these materials with you and address any questions you may have.

I hope you will be proud of your accomplishments as a public employee with the Bureau of Land Management and that you have a rewarding and challenging career.

Sincerely,


Edward F. Spang
State Director

HOW TO USE THIS BOOK

Your New Employee Orientation Guidebook was developed by us on the Organization Effectiveness staff in order to help you make a quick and smooth transition into your new surroundings. The book is designed for easy use and will be of value to you, both as an orientation tool and as an ongoing personal reference.

The book is divided into sections by subject and the loose-leaf binder makes it easy to keep information current. A special "Miscellaneous Information" section at the back of the book allows you to insert information on subjects not already covered. Because there is so much to absorb in a relatively short period of time, the information in your book gives only the highlights of basic policies, practices and procedures about which you need to know right away. More in-depth information can be obtained as needed by talking with one of the subject-matter experts referenced in the "Contact" block at the end of each section. Your supervisor has specific names and telephone numbers, or you can get them from the agency directory included in the "Charts/Directories" section of your book.

You will find the "Reference" block, also at the end of each section, to be another useful tool. This block lists the various books, manuals and other sources which contain relevant policies, regulations and other official guidance. You are encouraged to become familiar with these resources and to use them whenever necessary.

We hope you find your guidebook useful as you settle into your new position. If we can assist you in any way, please feel free to contact the Organization Effectiveness section in Anchorage or the Personnel office in Fairbanks. If you have any suggestions that could improve the design or content of future guidebooks, we especially want to hear from you, either by telephone or in writing. It is your feedback to us that will ensure an effective Orientation program in Alaska.

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THE BLM MISSION STATEMENT

The Bureau of Land Management is responsible for the balanced management of the Public Lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple-use and sustained yield. This is a combination of uses that takes into account the long-term needs of future generations for renewable and non-renewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values.

BLM-ALASKA MISSION STATEMENT

In Alaska, the Bureau of Land Management is responsible for carrying out the mandates of the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, the Alaska Statehood Act, and other federal laws. These duties make cooperative management a vital necessity. BLM-Alaska's success as a public land guardian and resource manager is dependent on its ability to serve the public through mutual understanding. Sustaining a working partnership with the public is a key element of multiple-use management, given the special nature of Alaska and its people. To this end, BLM-Alaska:

- exists to serve the public.
- safeguards the land and ensures needed resources are available to future generations.
- keeps the nation's promises of the land to the Natives and the State of Alaska.
- serves as an information storehouse for the public.

BLM'S ROOTS

In 1946, what was then known as the Grazing Service and the General Land Office, were merged to create the Bureau of Land Management and the new agency was placed in the Department of the Interior. BLM was charged with the management of the nation's public lands. Although BLM was made responsible for managing the resources on the nation's public lands, the more than 2,000 unrelated and often conflicting laws pertaining to those public lands meant, in effect, that the agency had no real authority. With the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA), Congress established a coherent legislative mandate for managing the public lands and made the BLM a true multiple-use agency. The law recognized that the public lands are a national asset, providing goods, services, and vast natural resources for millions of Americans.

BLM's mission (see "The BLM Mission Statement") is to manage 275 million acres nationwide (approximately 80 million acres in Alaska) for the benefit of current and future generations. There are many competing uses for this land and, under the concept of multiple-use management, all potential uses are equally considered before a final management plan is developed and implemented. Remember that "multiple-use" does not mean that all pieces of land are used for all purposes, but that land is used for the mix of purposes for which it is best suited within the framework of an overall management plan.

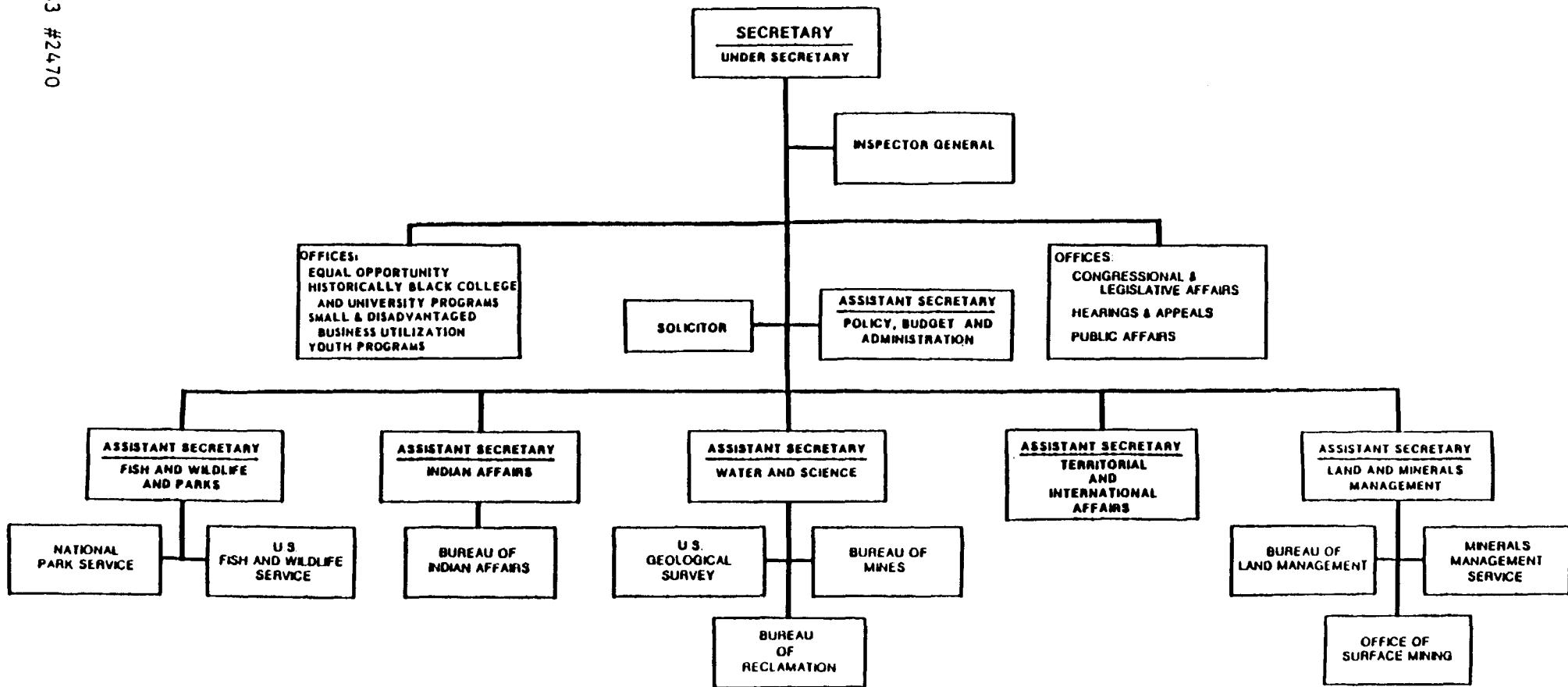
Contact: District Manager
 Deputy State Director
 Planning and Recreation Specialists
 Branch Chief

Reference: "Opportunity and Challenge: The Story of BLM"

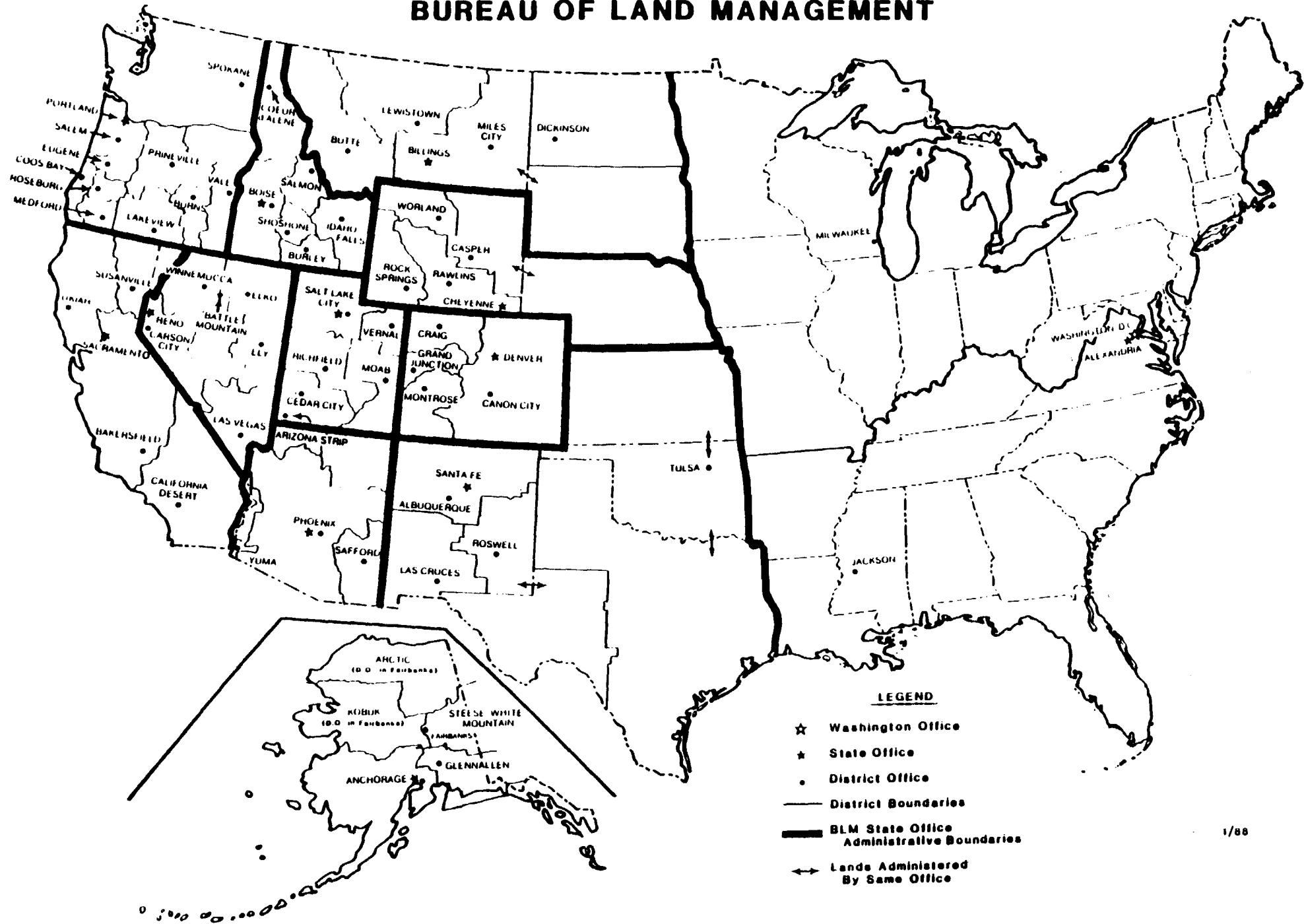
GENERAL ORGANIZATION
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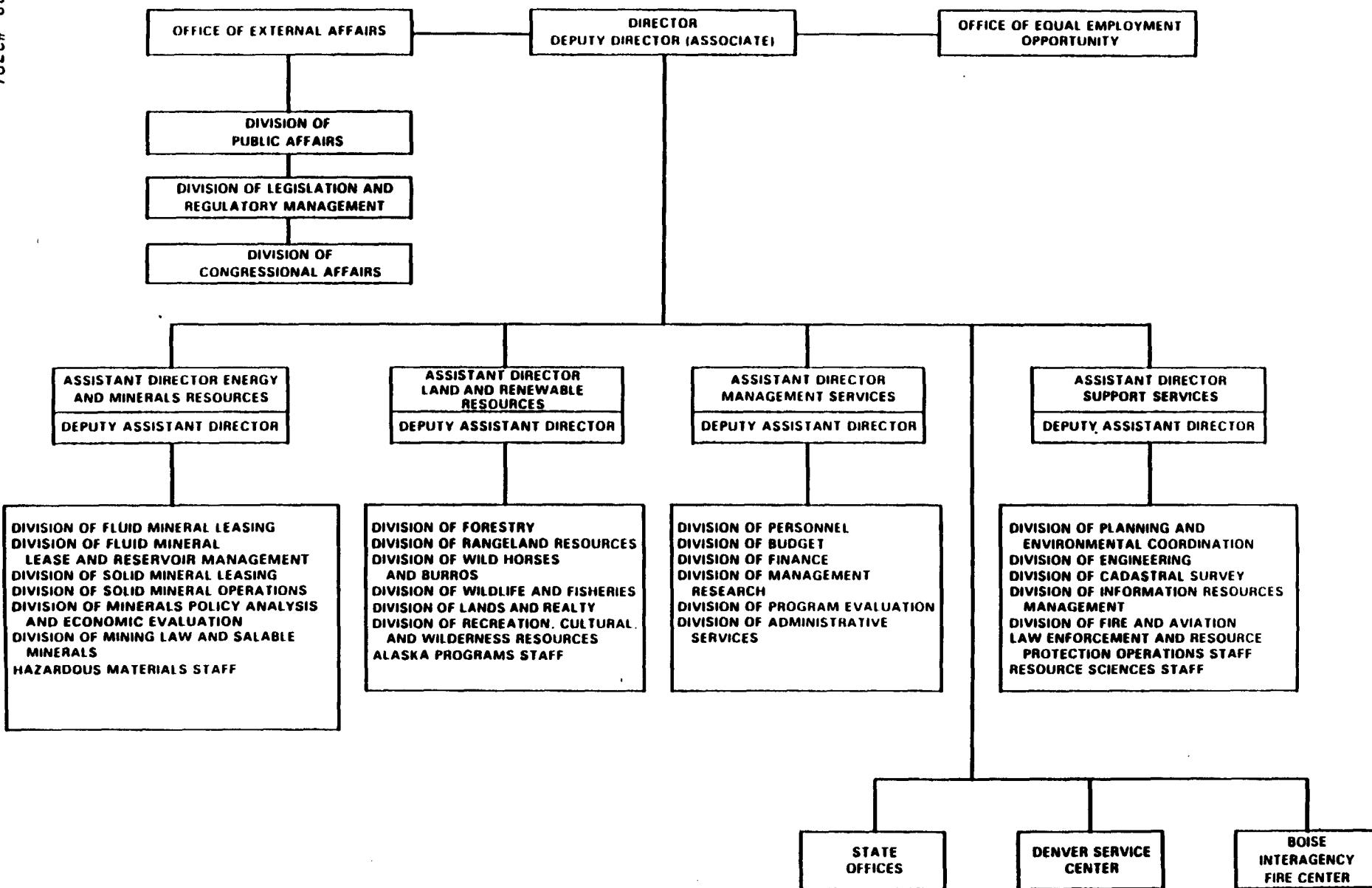
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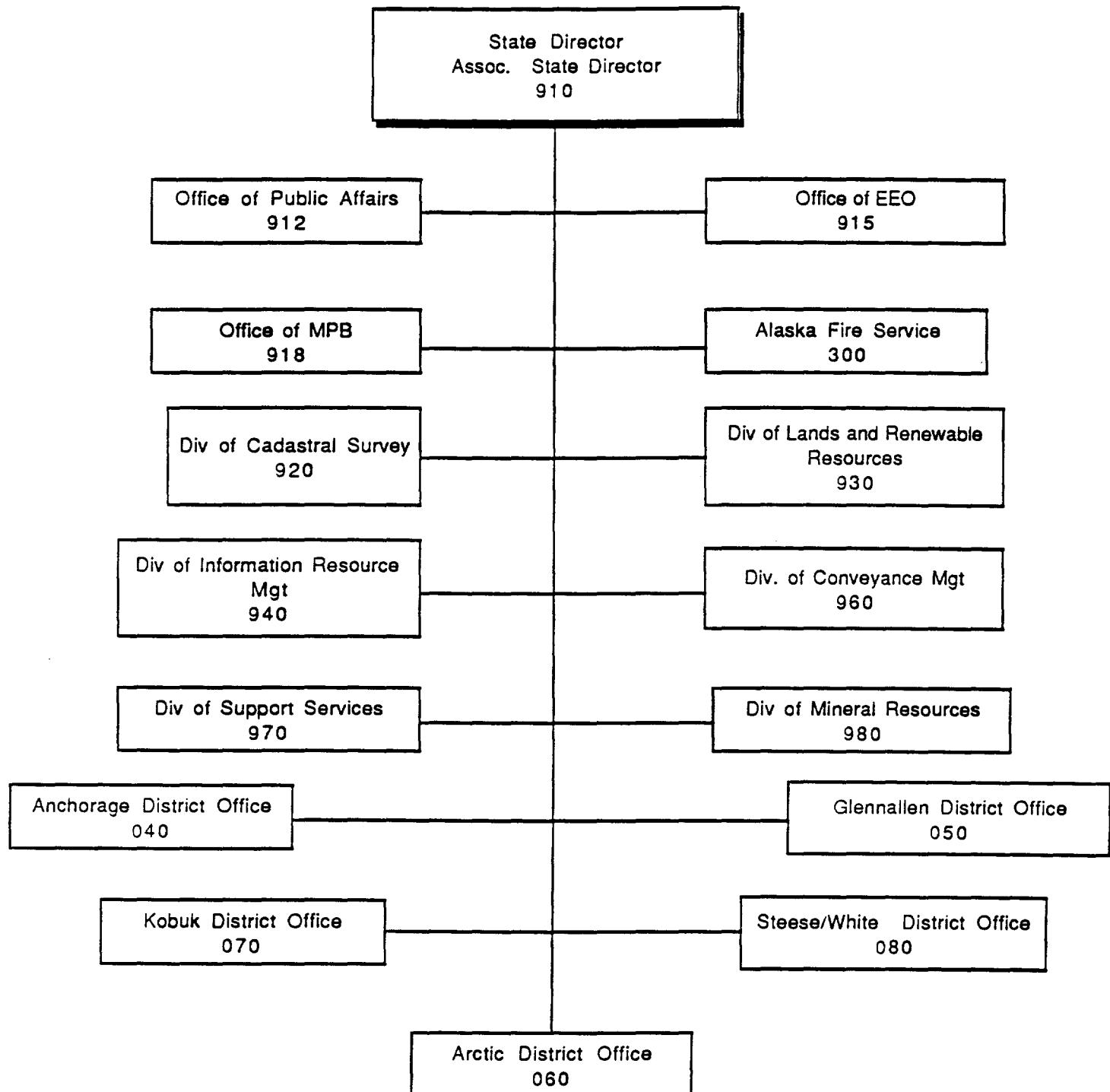


**U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

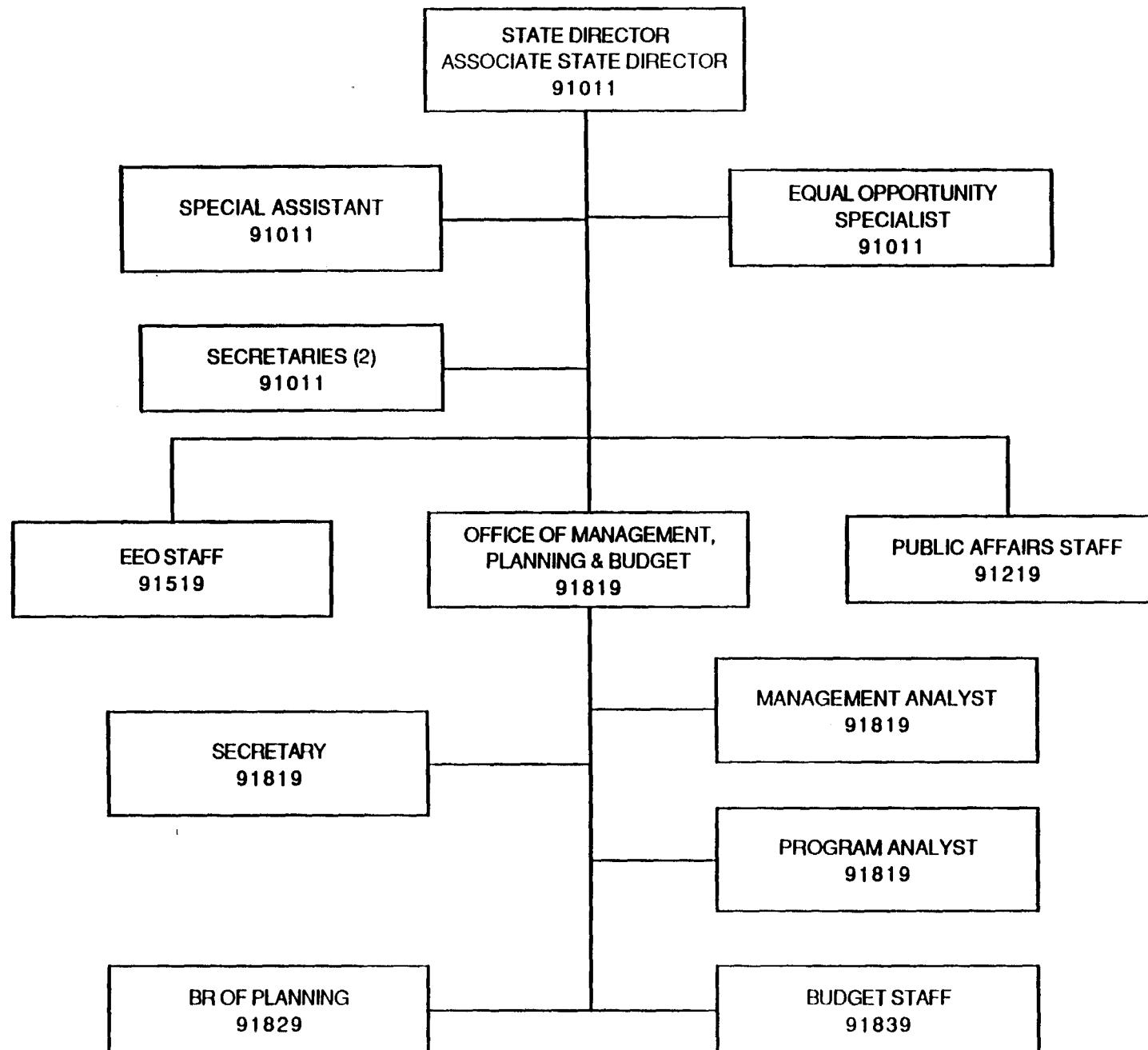


BUREAU OF LAND MANAGEMENT

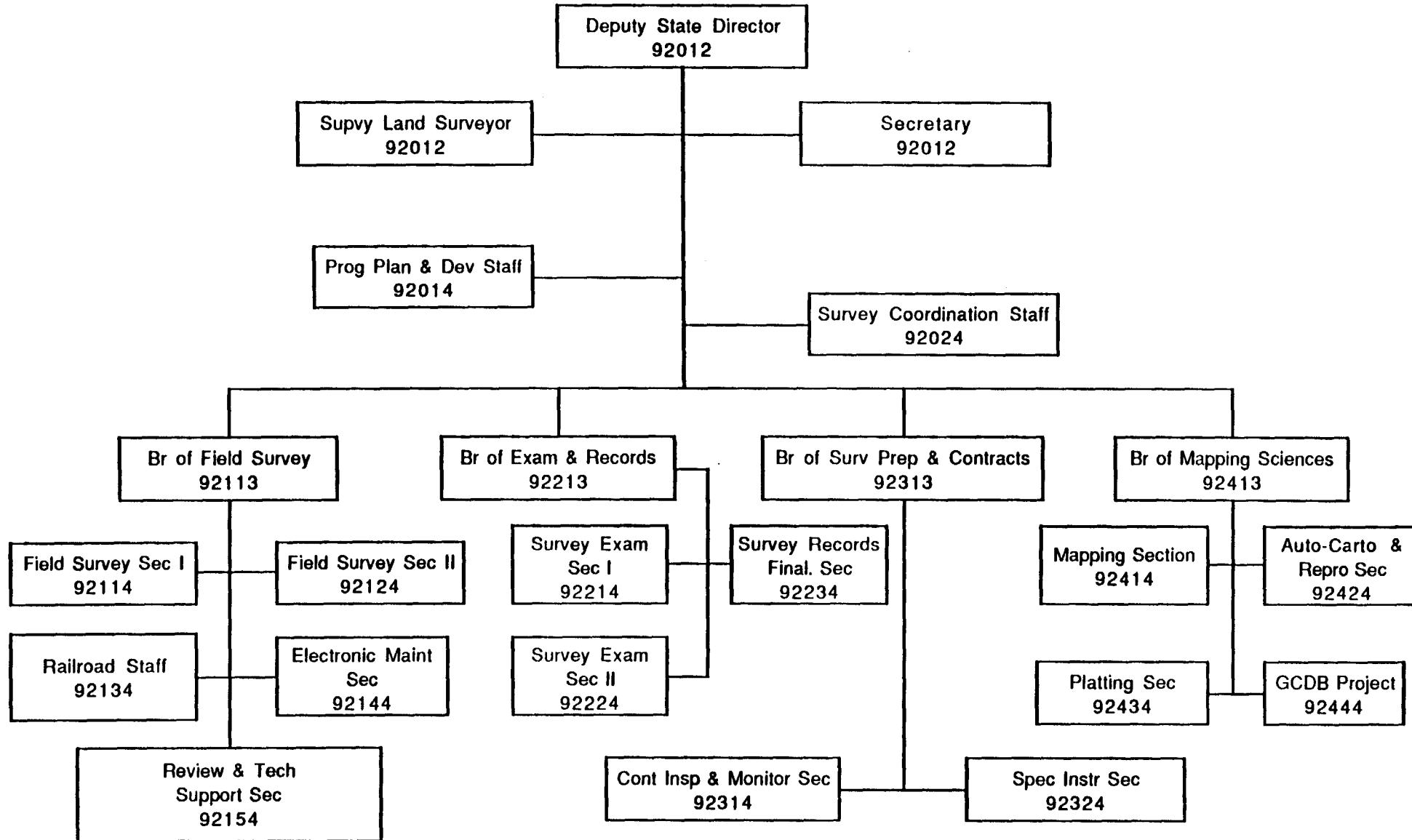




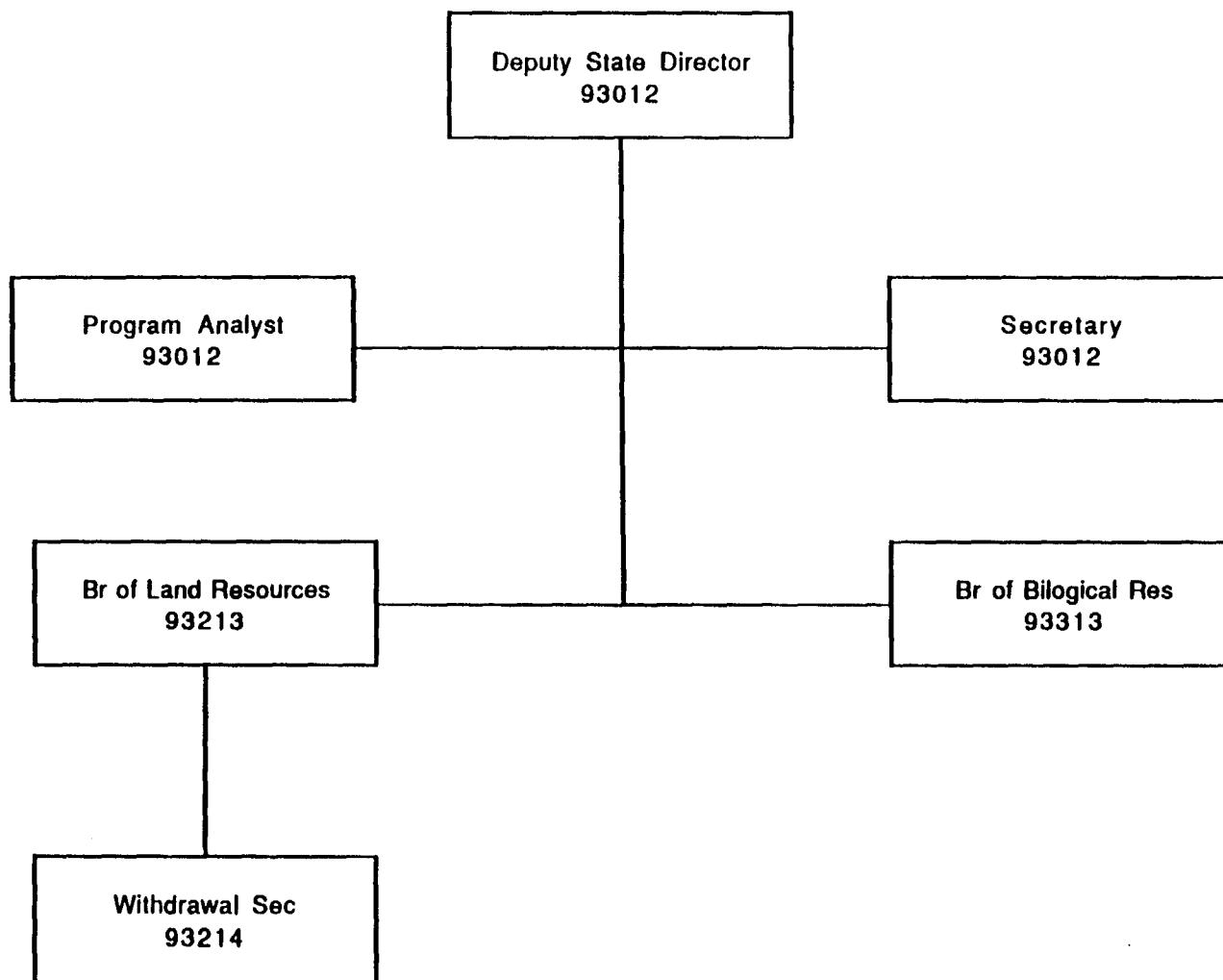
STATE DIRECTOR'S STAFF
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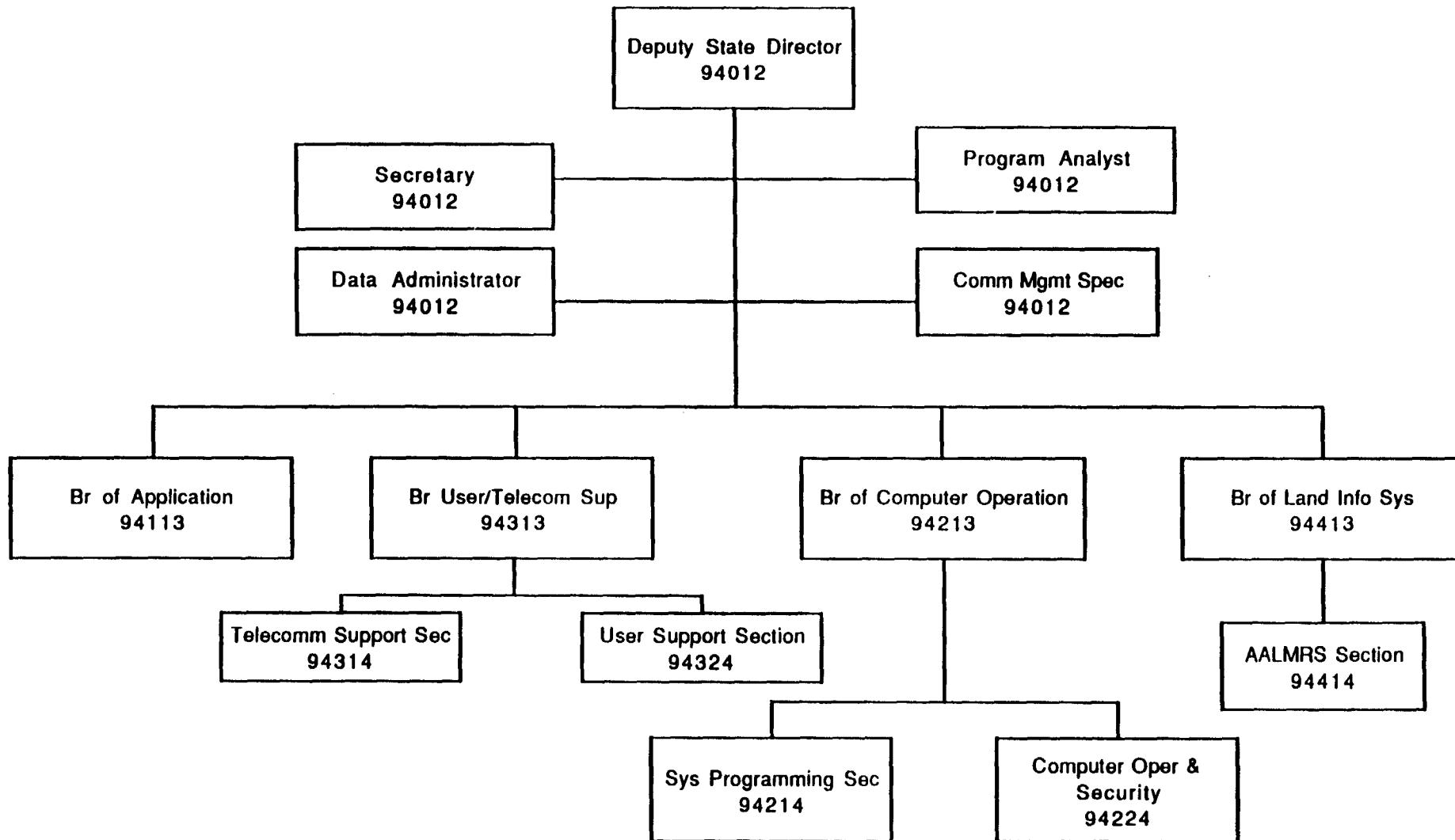
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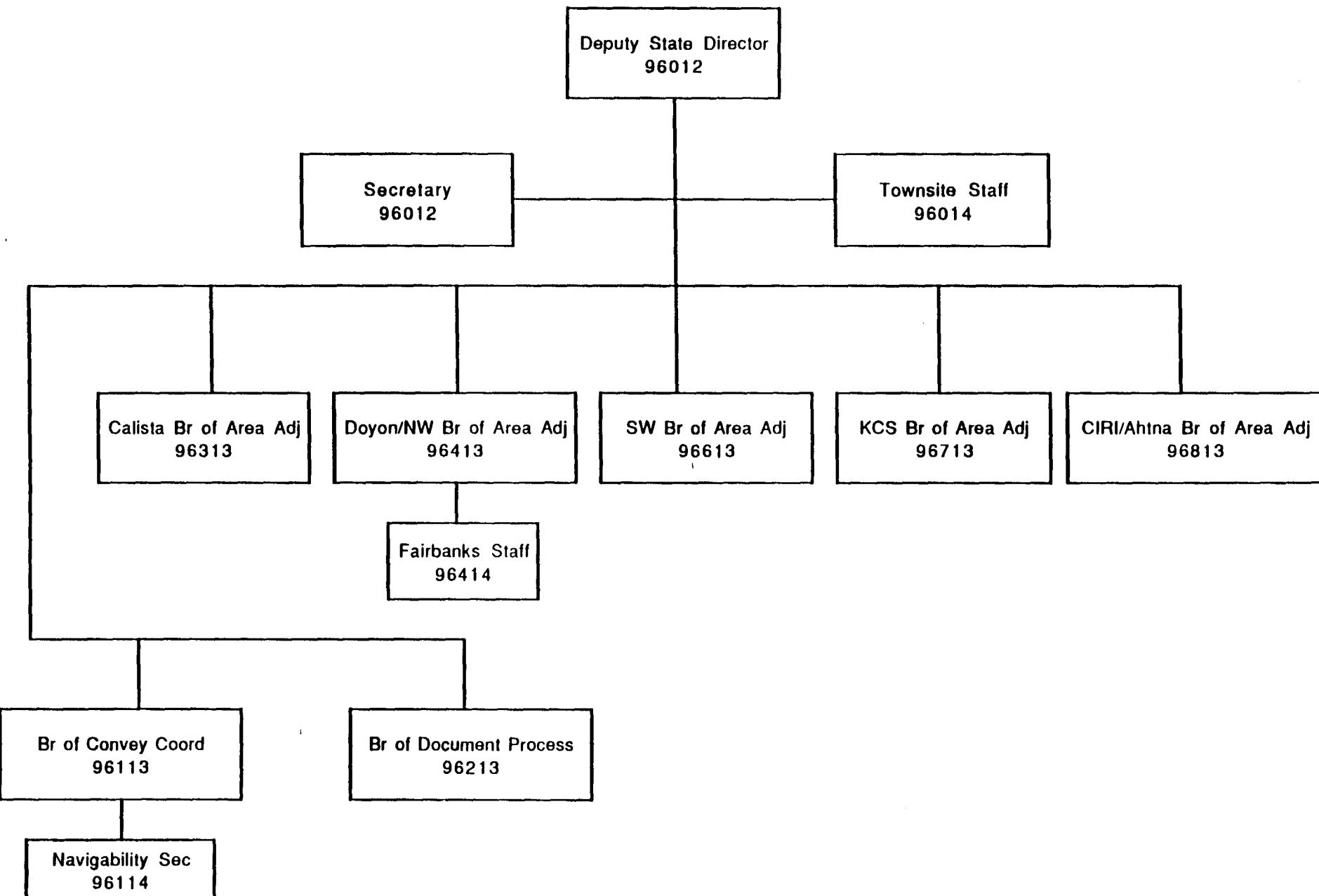
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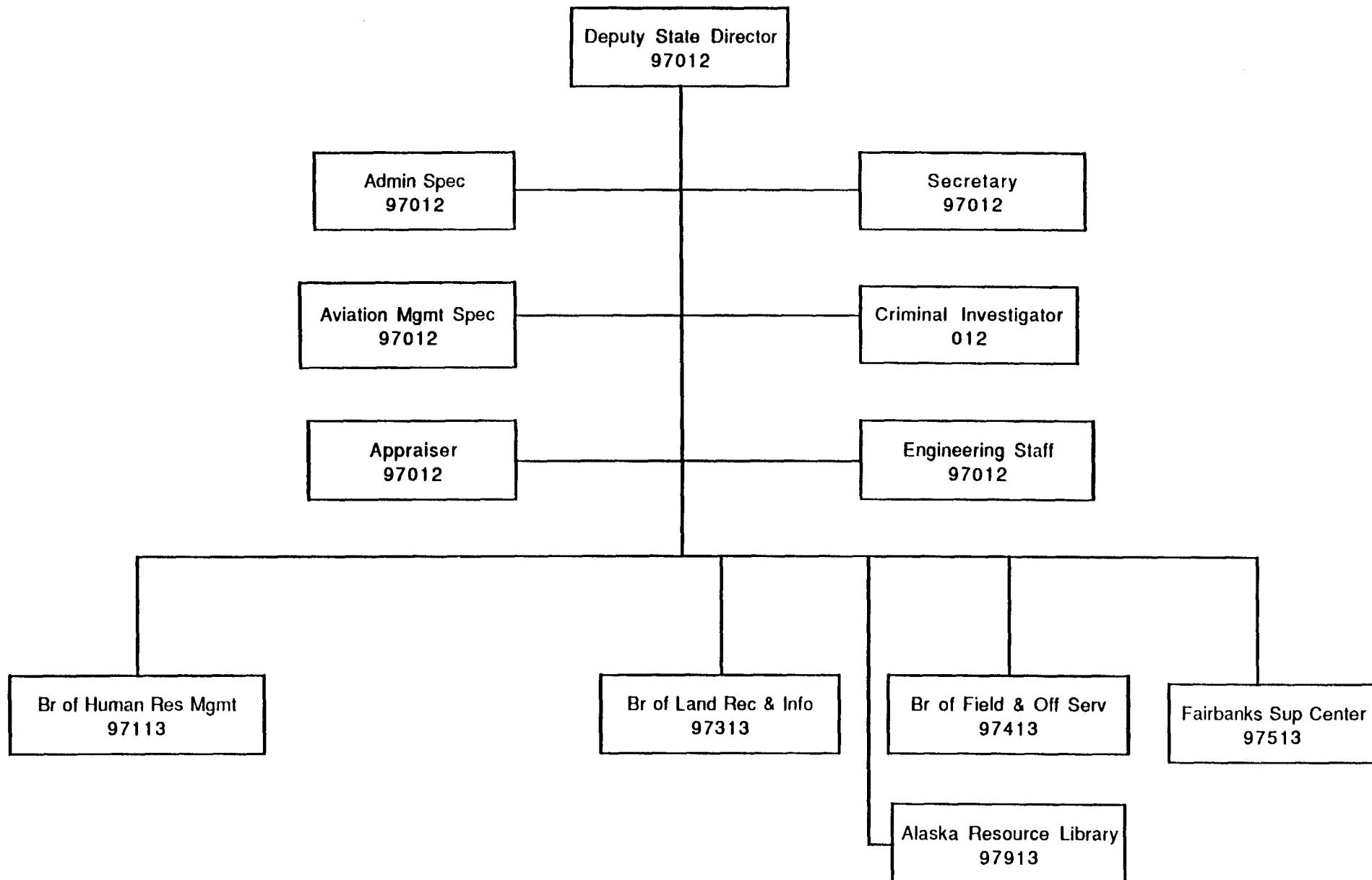
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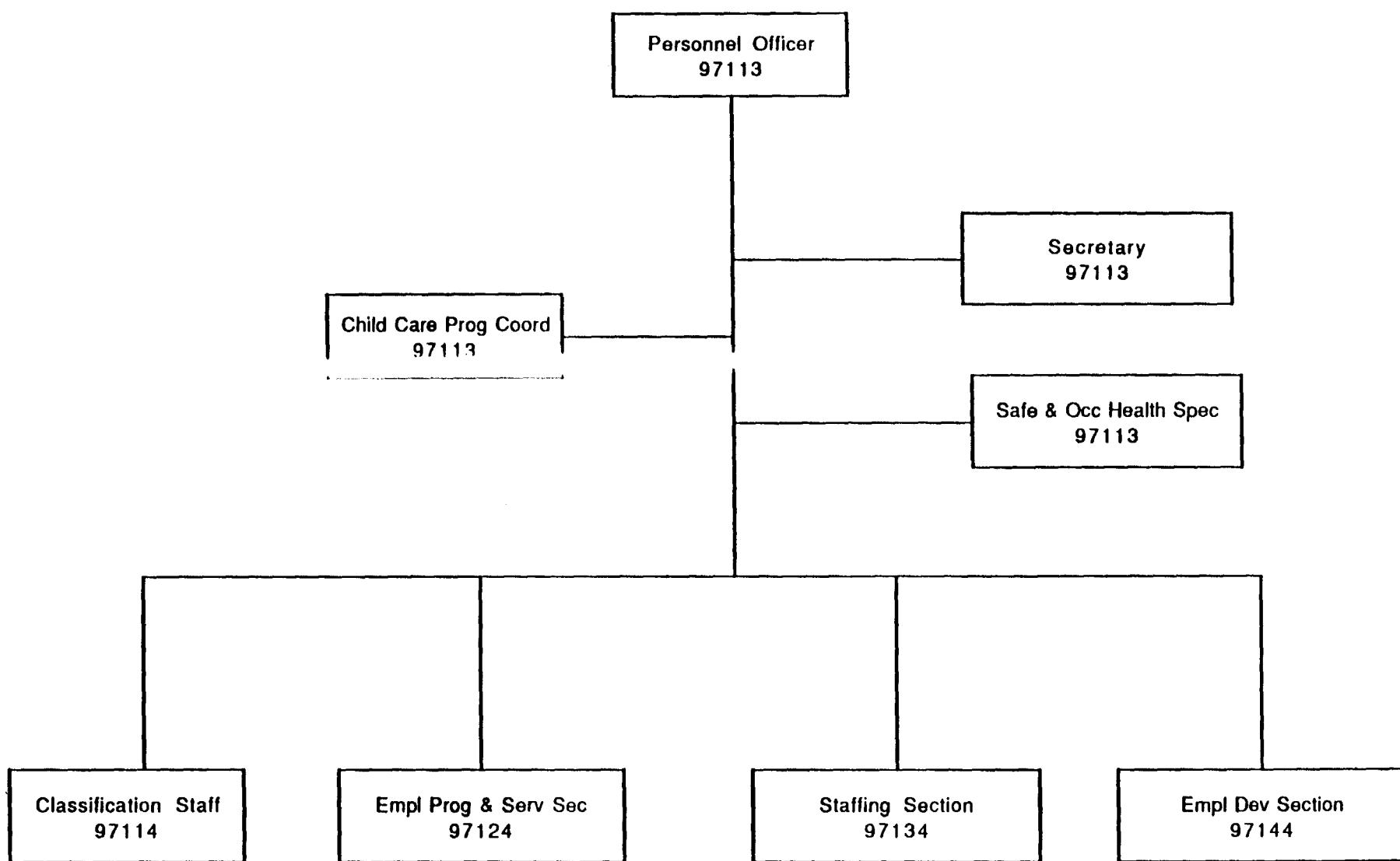
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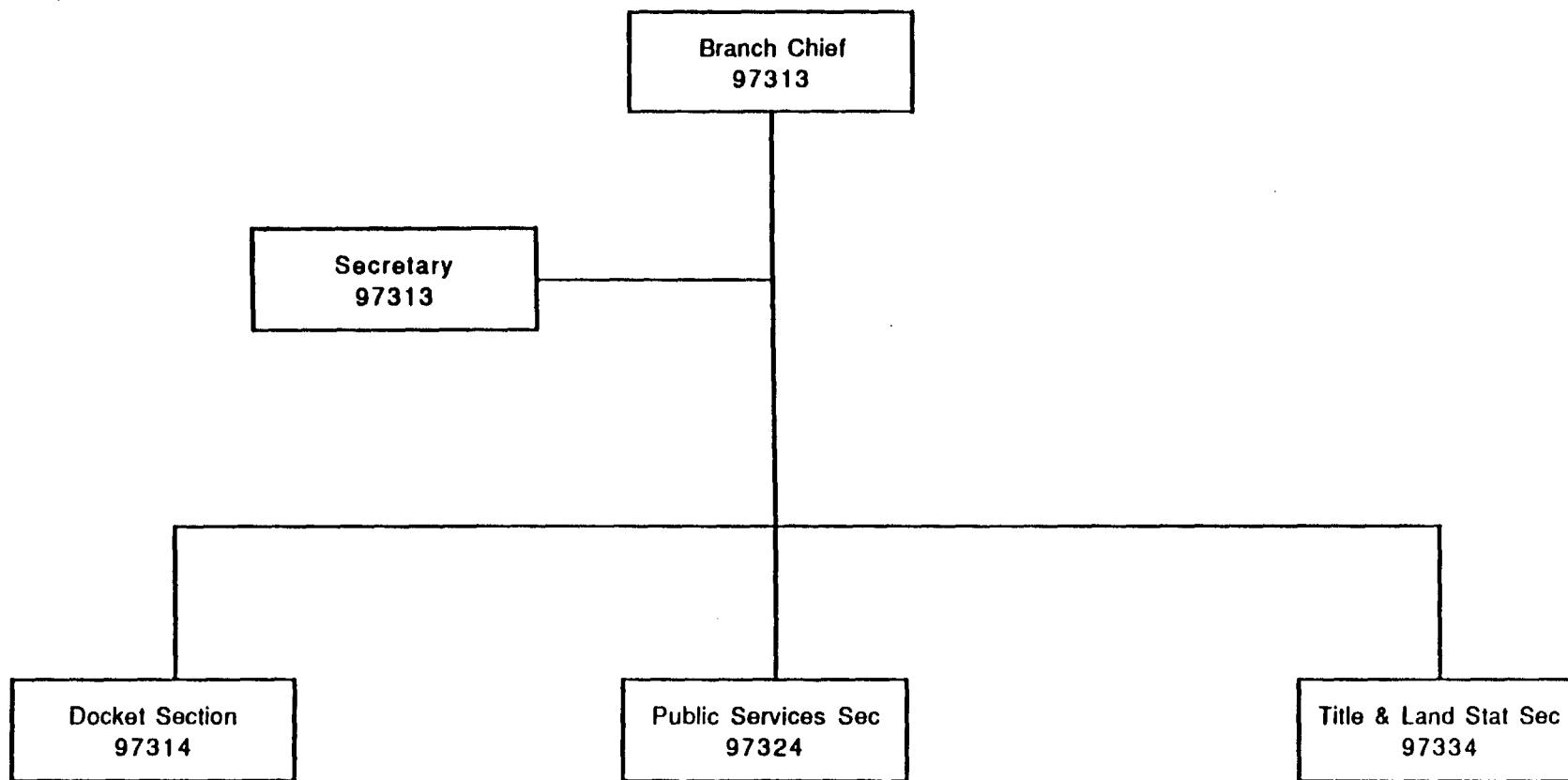
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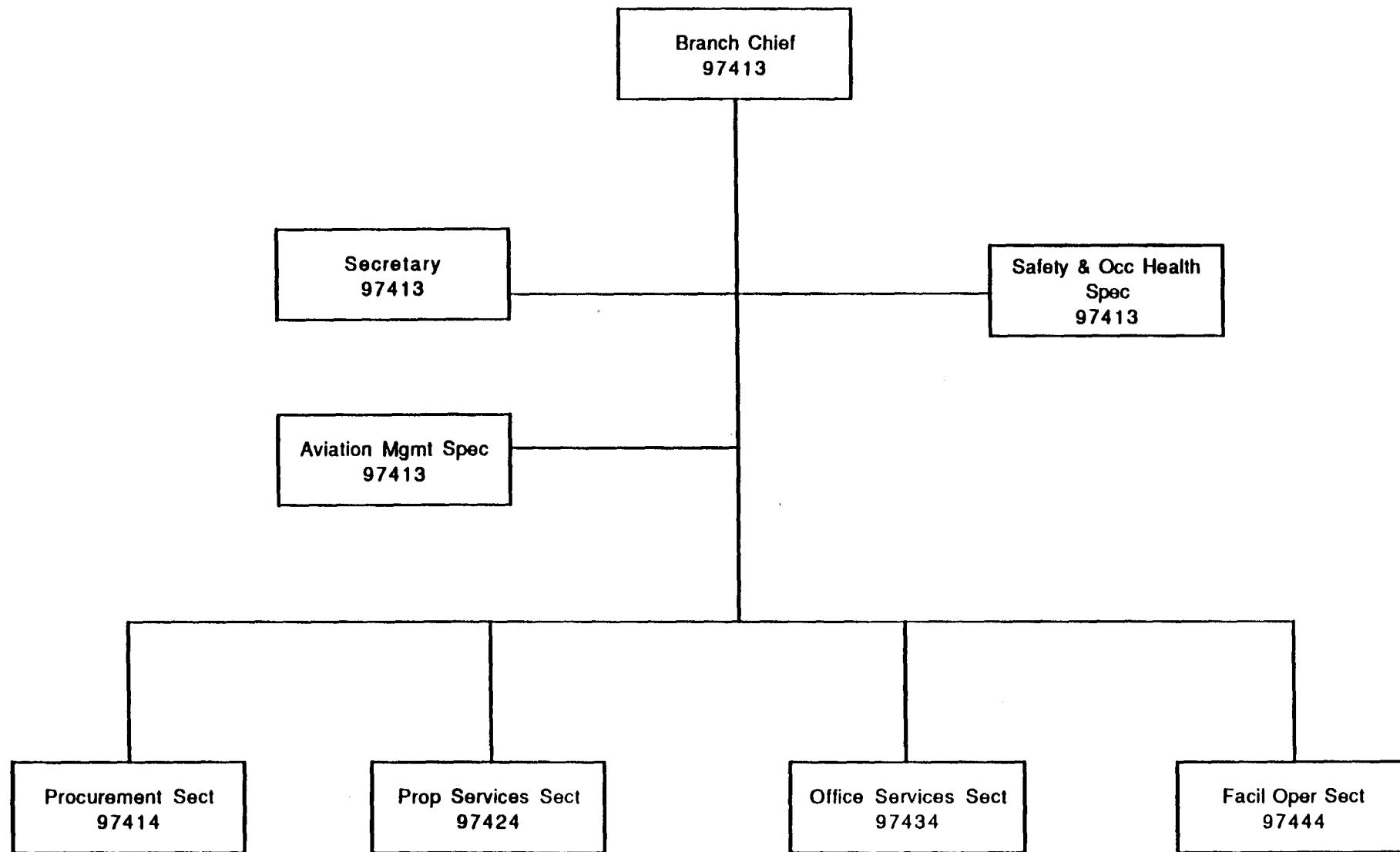
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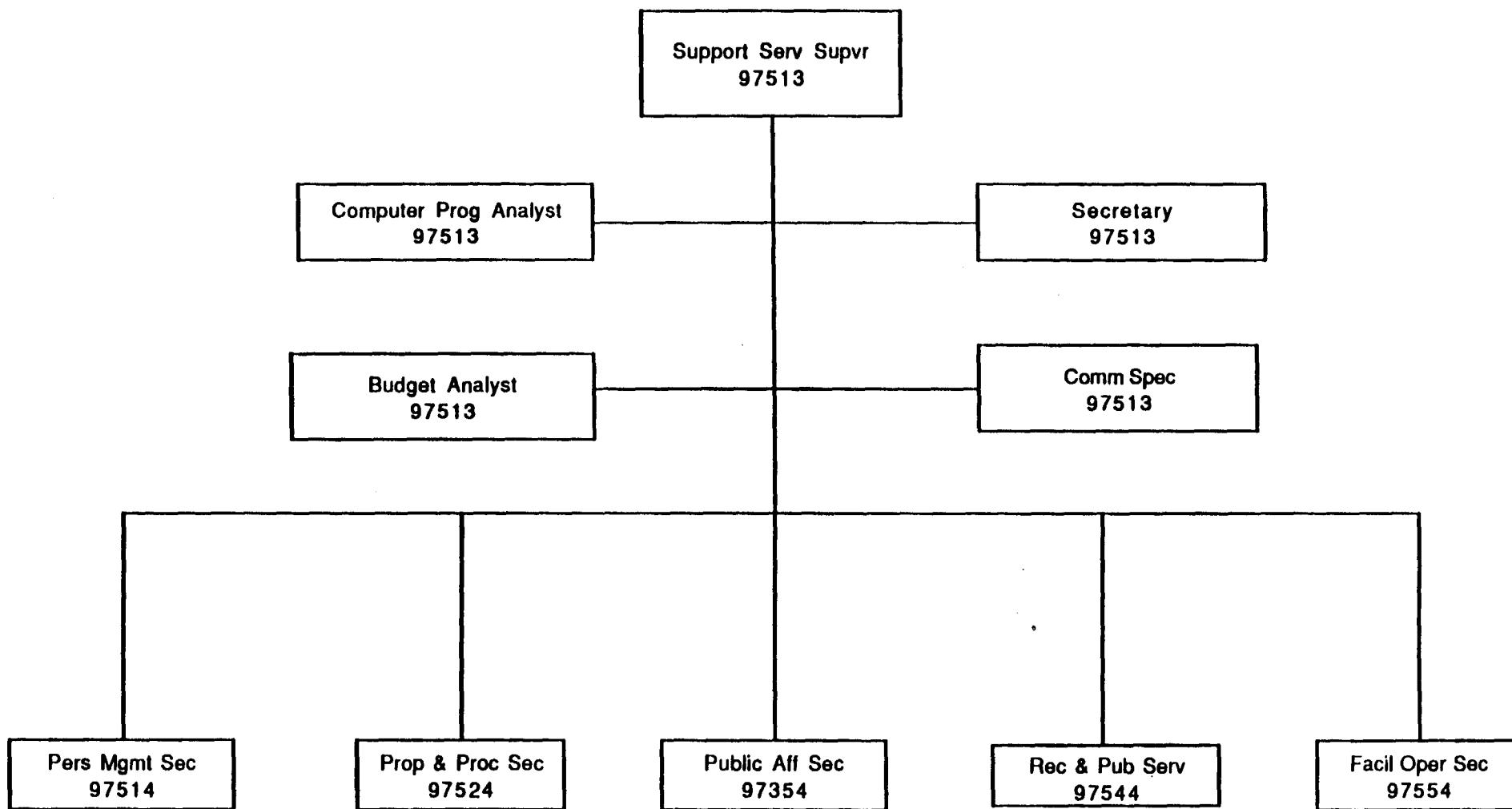
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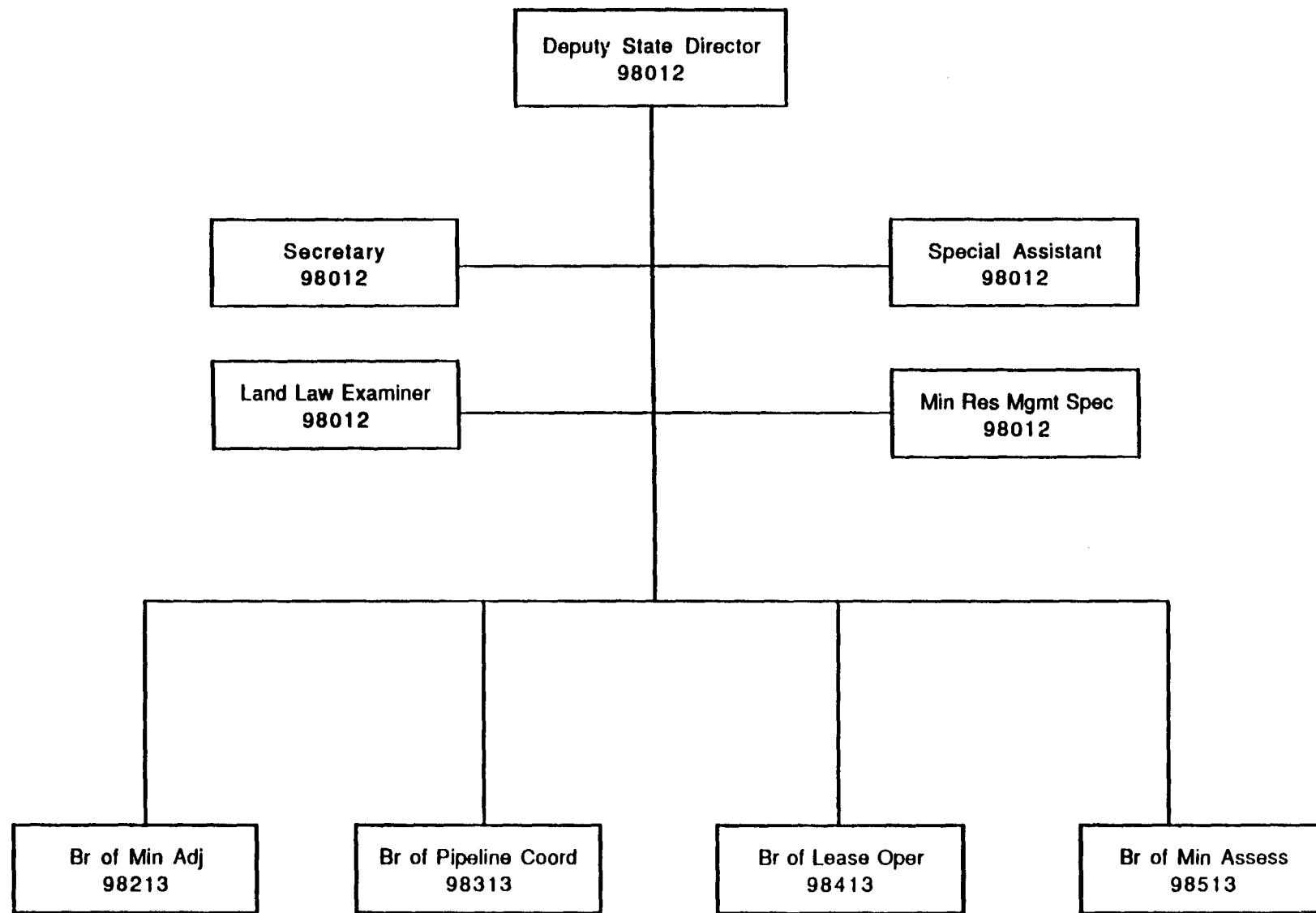
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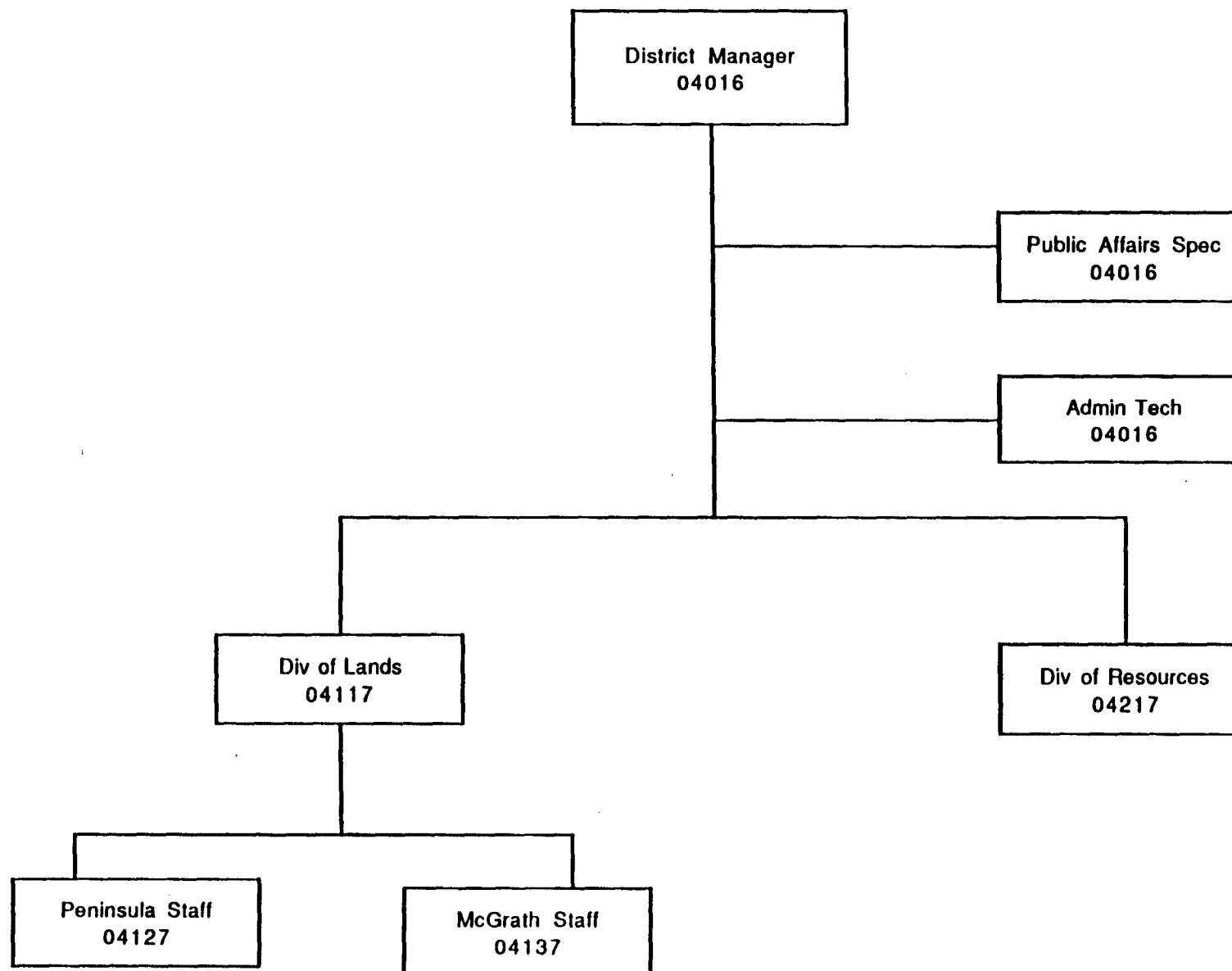
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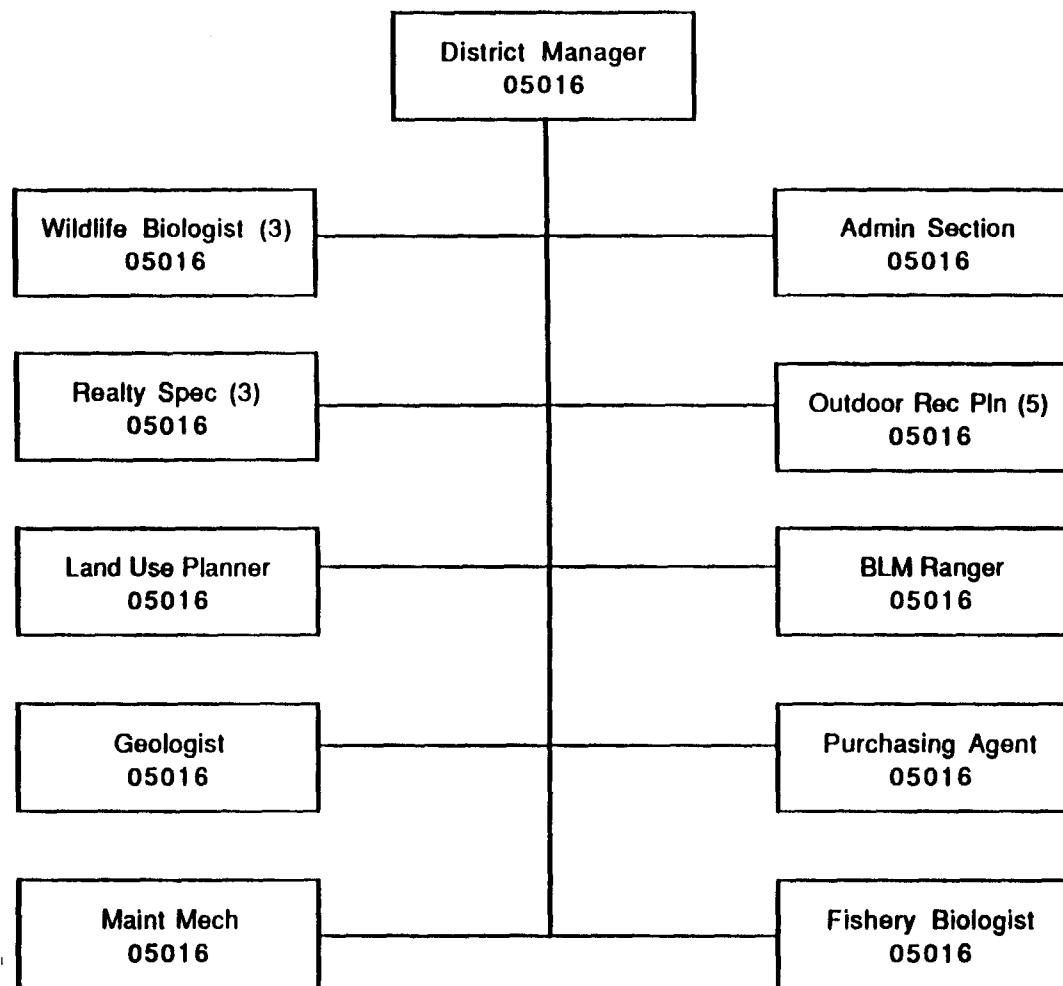
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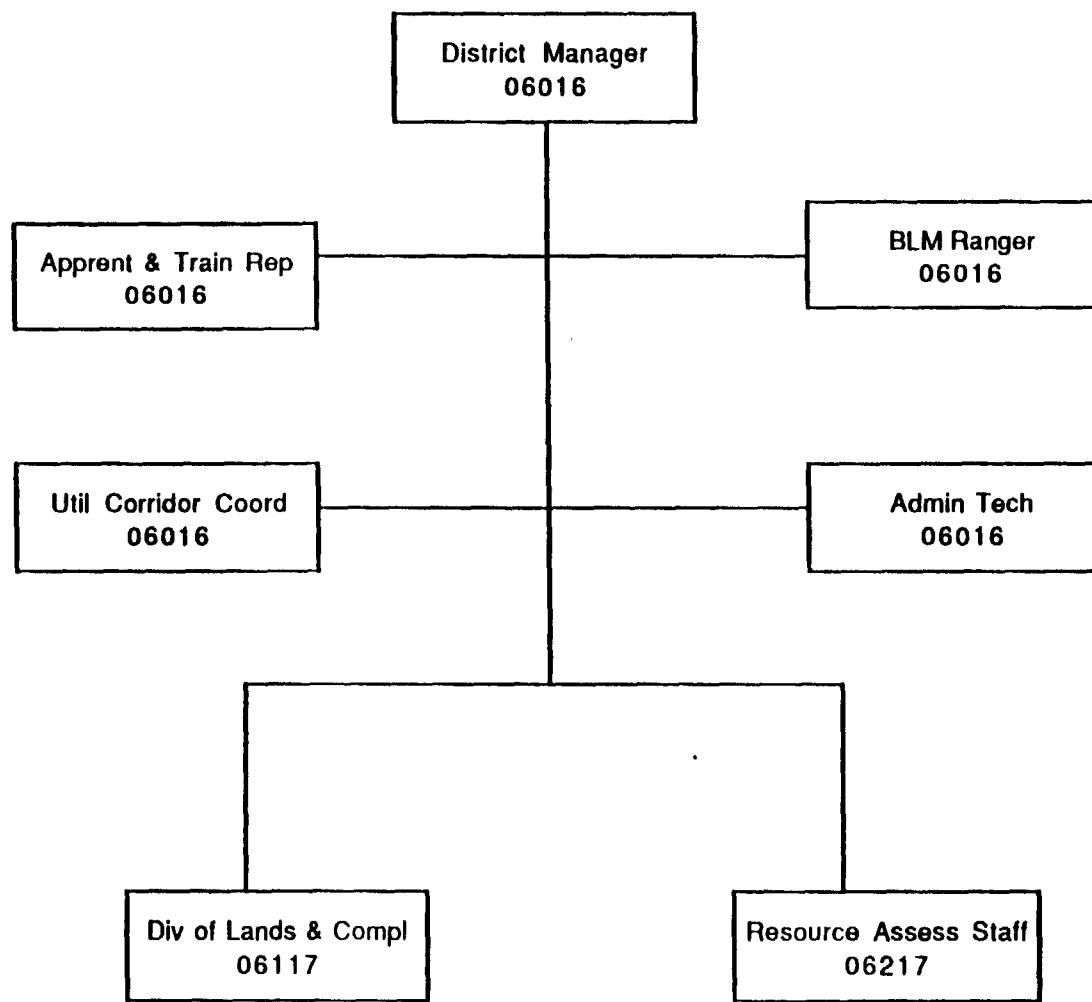
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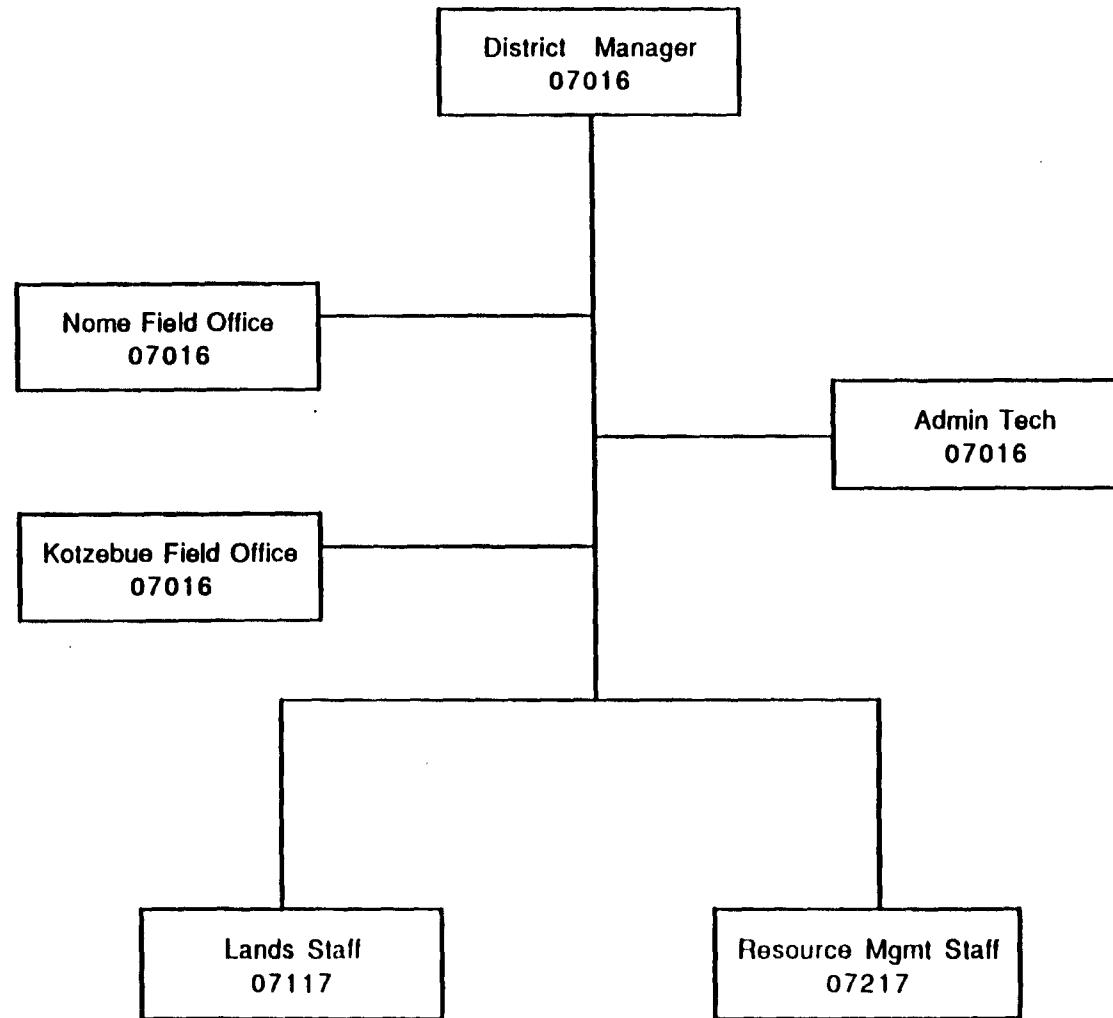


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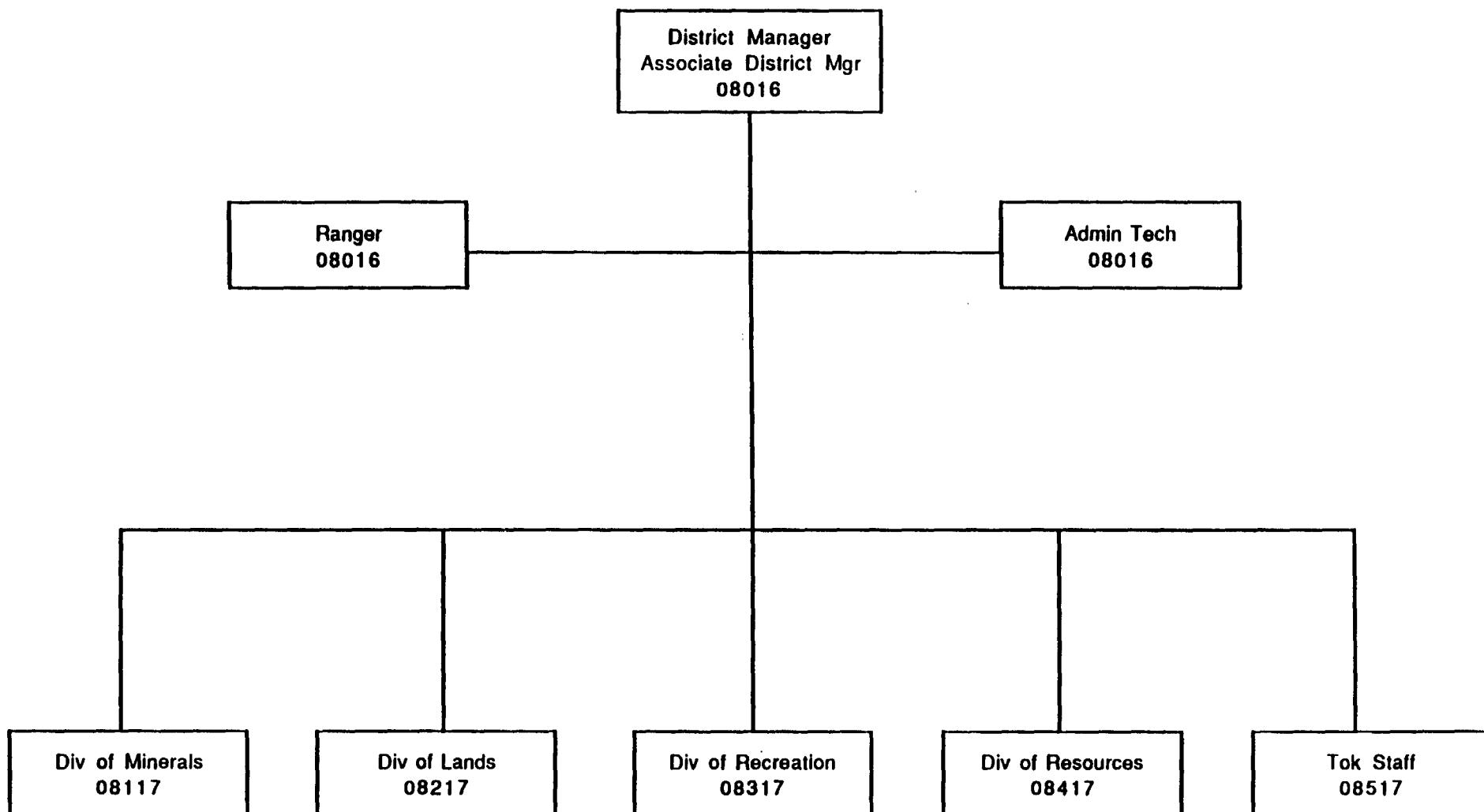


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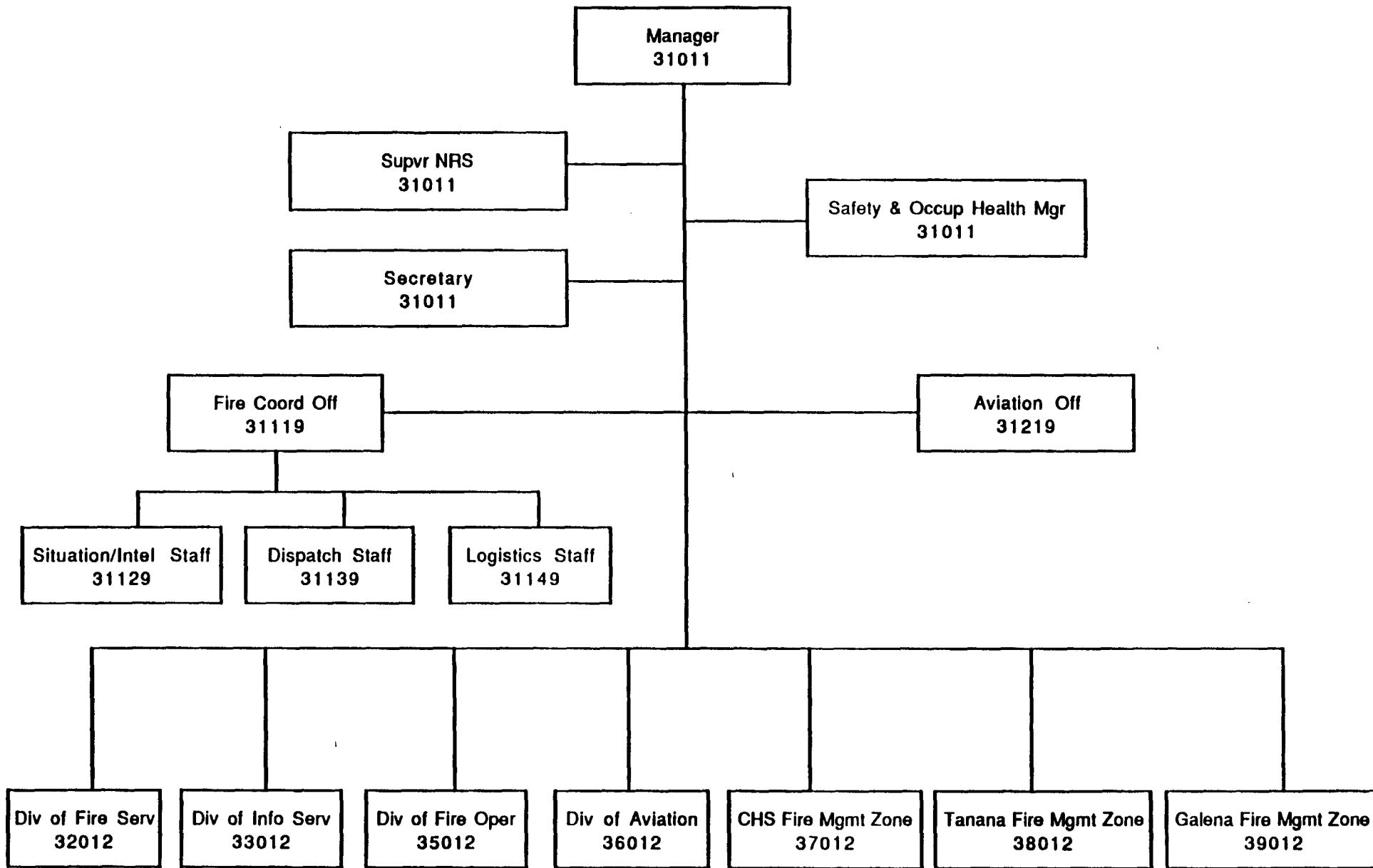
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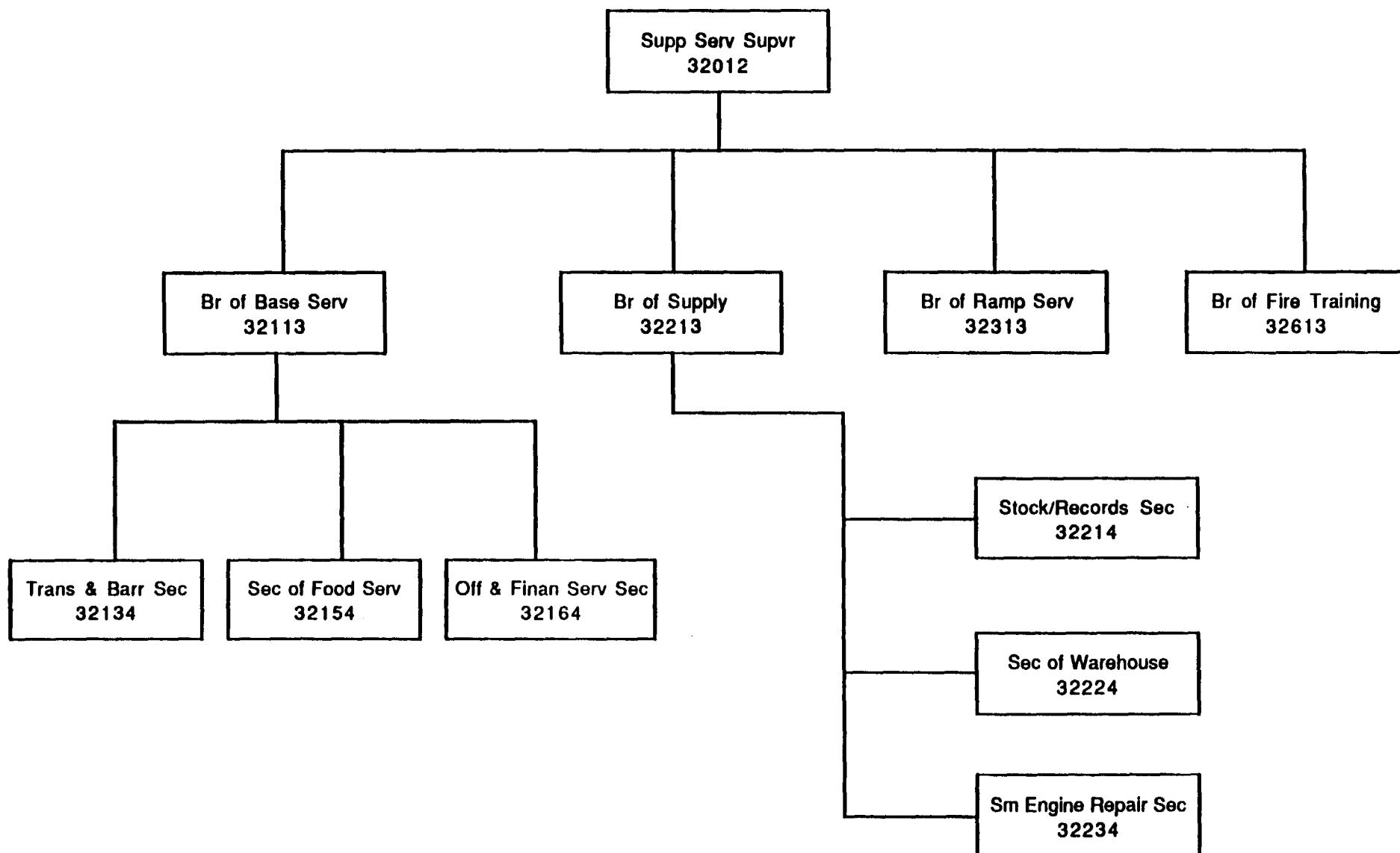
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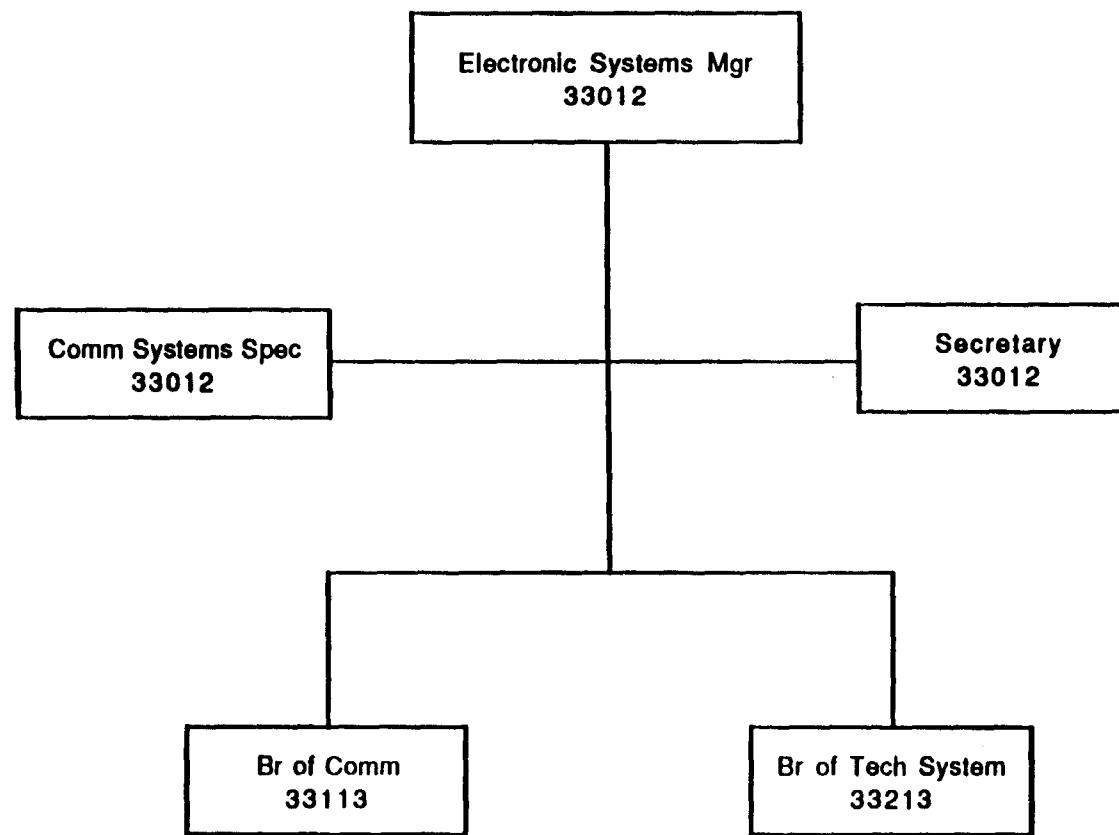
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AK-3



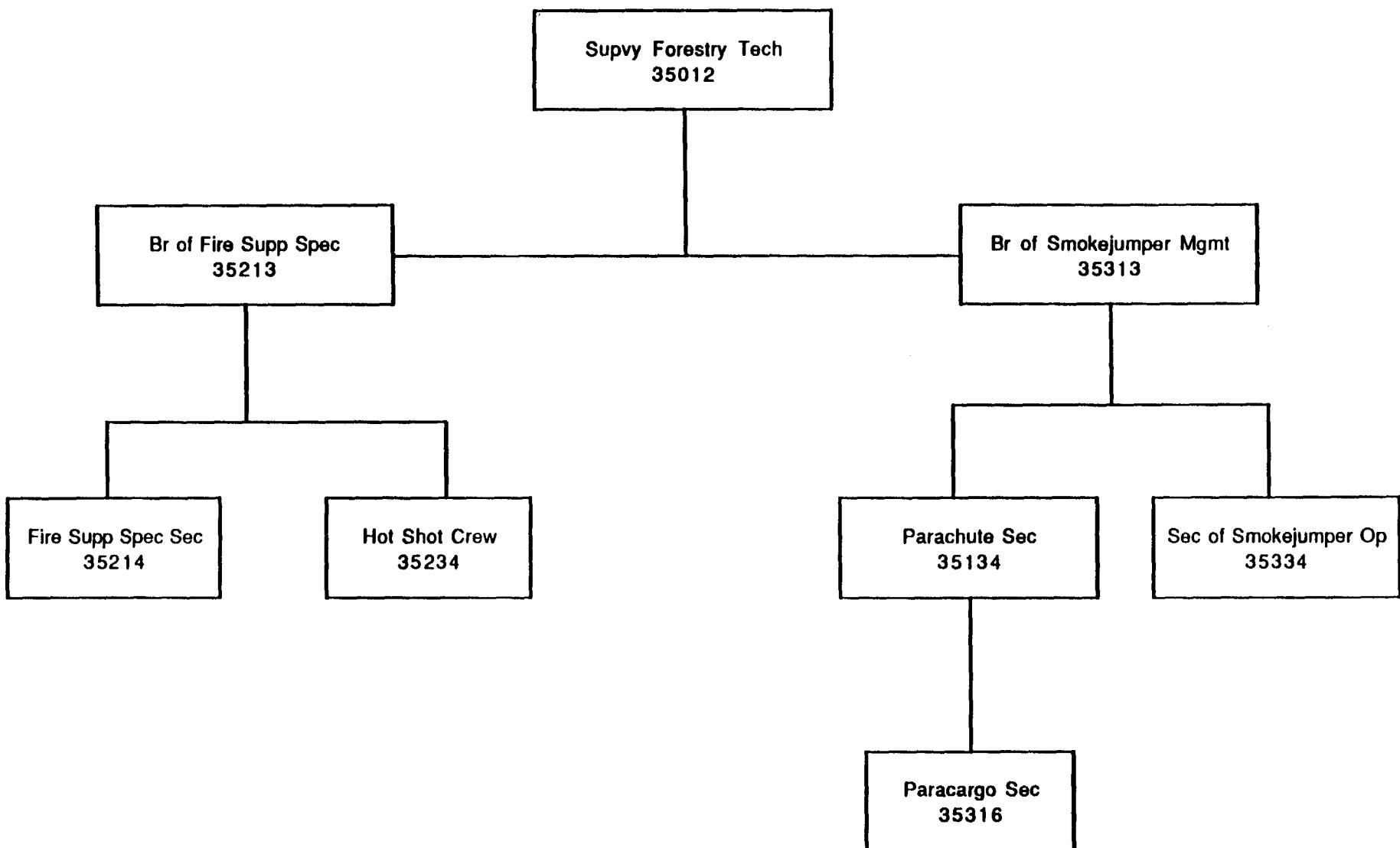
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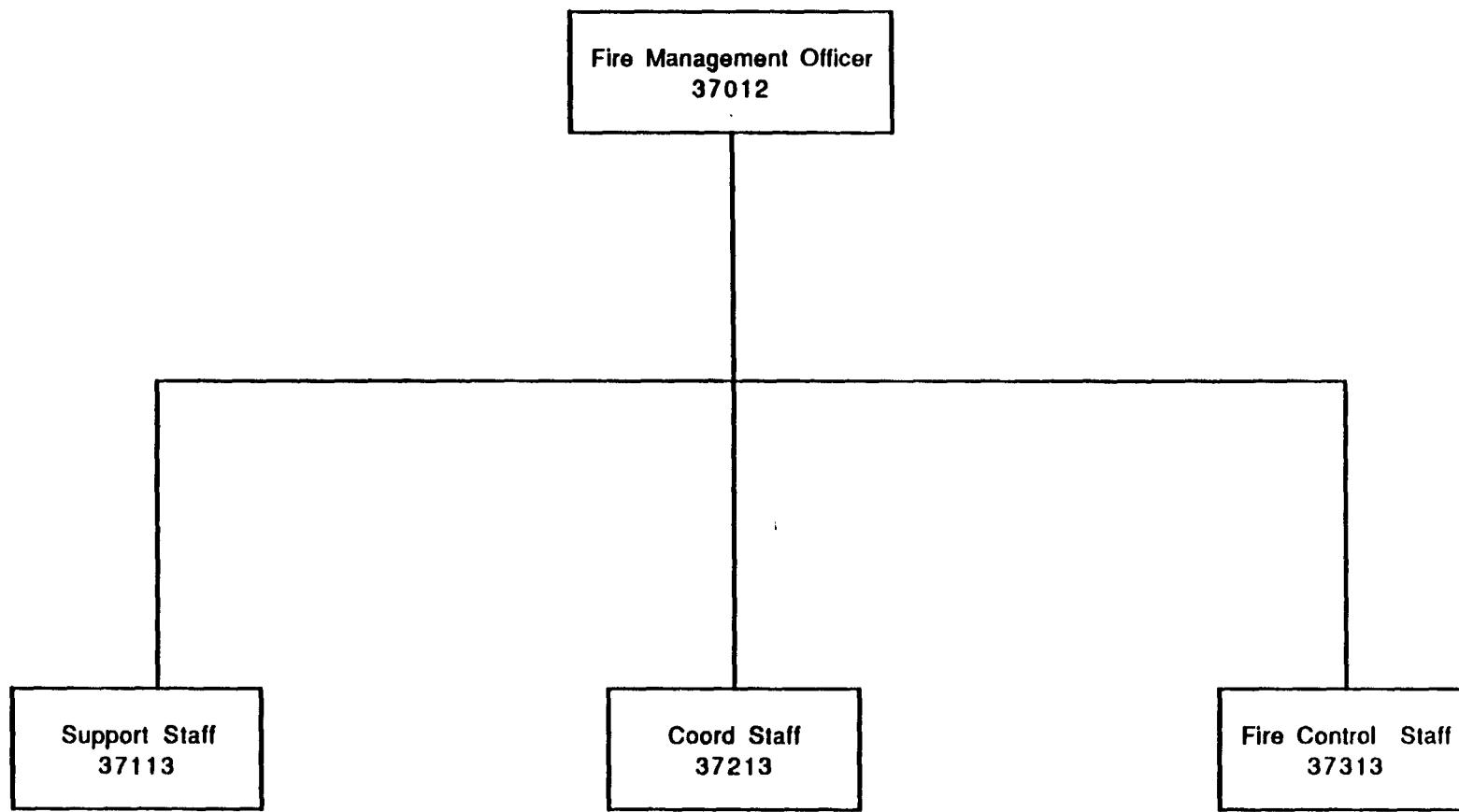
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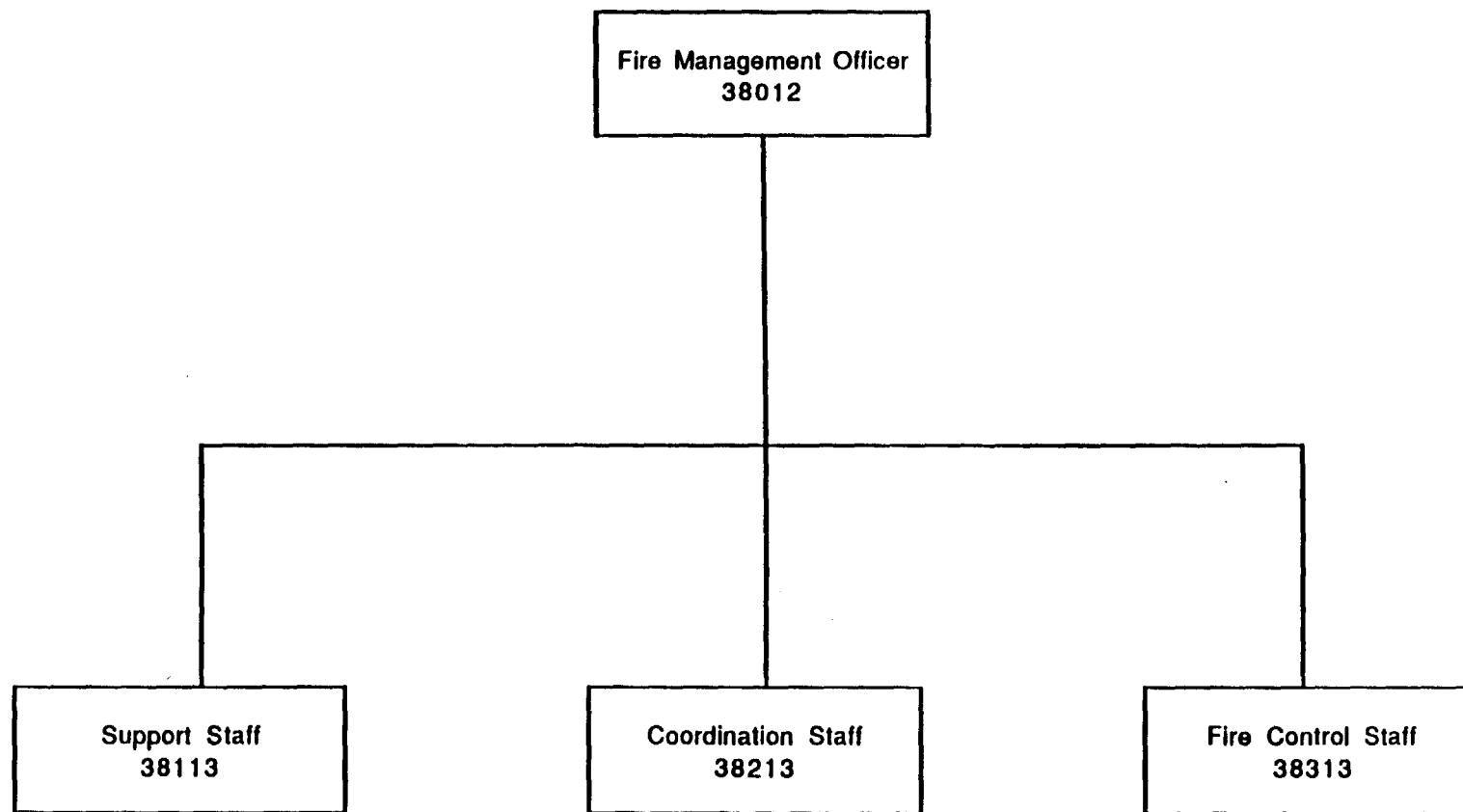
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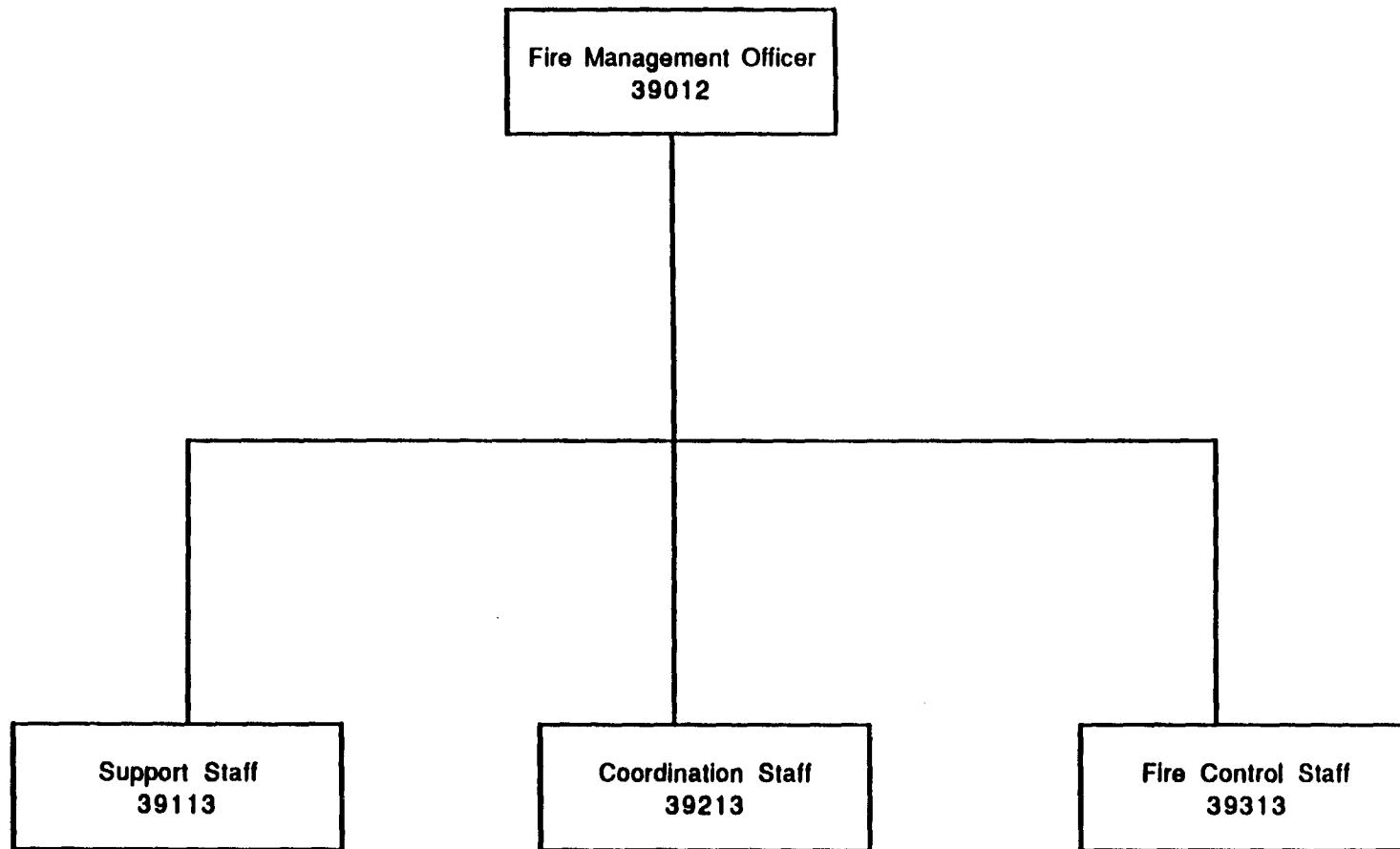
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TANANA FIRE MANAGEMENT ZONE
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**GALENA FIRE MANAGEMENT ZONE
AK-390**



YOU AND BLM'S IMAGE

The BLM is an agency with a high public visibility. Many people are interested in how we manage the public lands entrusted to our care. Often, they question or disagree with our policies and procedures concerning the management of public lands and natural resources. This generates conflict and, therefore, media interest.

As a new employee, it would normally be inappropriate for you to conduct interviews with the media. If you are contacted by a reporter, please refer the contact to your supervisor or to the Public Affairs staff.

Like most BLMers, you will have few opportunities to deal with press people. You will, however, meet many members of the public, either face to face or on the telephone. The pride you take in your stewardship of the public lands, and the respect you give to the people you meet will influence their opinions of BLM and BLMers for years to come; and they will, no doubt, share those opinions widely with others.

Your goal is to look and sound like the professional you are. The image you wish to convey is of a professional working for an agency that cares about its stewardship responsibility, is committed to facilitating wise use of the nation's natural resources, and dedicated to conserving those resources for use by future generations.

Looking like a professional means that your personal appearance is comparable to that of other professionals who work in similar environments within your community. Be sure your attire and grooming are appropriate to the work environment you are in at any given time.

In certain situations, the most professional appearance can be achieved by wearing the BLM uniform. Managers do encourage that uniforms be worn when it is appropriate. Most BLM leaders will want to own a uniform and wear it on occasion. However, for the majority of positions in BLM Alaska, the wearing of uniforms is not required. Information on uniform allowances and ordering can be acquired from the uniform coordinator in your Division or District Office.

Contact: Supervisor
Procurement, (974B)

Reference: BLM Manual 1102
ASO Uniform Handbook
Video: "The Time is Right"

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
222 W 7TH AVENUE, BOX 13
ANCHORAGE, ALASKA 99513-7599

1400-735/713 (971/970)

August 11, 1989

Instruction Memorandum No. AK 89-286
Expires: 9/30/90

To: All Employees in the Division of Support Services
From: State Director
Subject: Professionalism in the Workplace

Instruction Memorandum No. AK-89-264, dated July 19, 1989, reminded us that several memorandums have been issued during the past year addressing employee conduct and standards. These have ranged from appropriate/inappropriate use of government equipment and supplies to work environment issues. Nonetheless, instances of improper conduct such as profane language, jokes, and references of sexual, racial, or ethnic nature, ribald magazines, posters, and calendars, and offensive verbal inferences of national origin still happen occasionally.

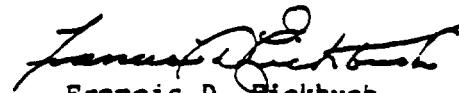
This instruction memorandum will make clear my expectations of the Division of Support Services employees. Most of you act professionally in your work habits, your language, your attire, and your workplace behavior. On occasion, though, language is used or material is displayed that can be described as offensive. Offensive language is difficult to define, but it is generally accepted that vulgarity, cursing, or unflattering references to race, religion, sex, and ethnic origin, even when said in jest, are offensive to many employees.

Suggestive, vulgar, crass, crude, tasteless, or otherwise inappropriate words, pictures, illustrations, remarks, etc., can also be considered offensive in the workplace setting, whether they appear on posters, calendars, clothing such as tee or sweat shirts, in pictures or slogans, in jokes, or in other forms. Exhibition of such items and the use of such remarks in our work areas can create so unpleasant an environment as to be considered sexual or racially motivated harassment.

It is my desire that our Division be a pleasant, professional place for employees to work and for visitors to visit. I further want to create and nourish a work environment that is non-offensive to all employees and to any member of the public who comes to us for information or assistance.

I ask each of you to refrain from displaying any items or making any remarks that may be inappropriate for a Federal office building in which employees and visitors from both sexes, and with a myriad of cultural backgrounds and value systems, mingle. Remarks that are acceptable to you may be offensive to someone else, so use good judgment and discretion at all times.

I ask each of you for your cooperation in meeting this goal and I thank all of you who are already working toward accomplishing it.



Francis D. Pickbush
DSD for Support Services

Distribution:
EEO Officer (AK-915)

Desk Guide for Information Disclosure
Under Privacy Act of 1974
(as amended FR 35494, Aug 30, 1985 and FPM 293.307)

The following information concerning current or former employees may be disclosed from official personnel folder, without prior employee consent.

TO THE PUBLIC (including prospective non-Federal Employers and credit firms):

-Name
-Position title, occupational series, and grade (includes past and present)
-Present and past annual salary rates (including performance awards or bonuses, incentive awards, and merit pay amount)
-Duty Station (including past and present)
-Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) that the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness. Performance elements and standards (or work expectations) may be withheld when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal.

May only be verified:

Tenure of Employment (time limitations on appointments,etc.)
Civil Service Status (career, temporary, etc.)
Length of Service (GSA and Federal Government)

They may be told only if their information is correct. They may not be told the "right answer" without employee consent.

TO A PROSPECTIVE FEDERAL EMPLOYER:

All items listed on SF-75, Request for Preliminary Employment Data

TO POLICE/COURT

Any information requested for law enforcement purposes.

ALL OTHER DISCLOSURES REQUIRE PRIOR WRITTEN CONSENT FROM THE EMPLOYEE.

EMPLOYEE RESPONSIBILITIES AND CONDUCT

As an employee of the Federal Government you must conform to high standards of ethical conduct. You are judged not only by your official actions and conduct, but also by your personal activities which may reflect upon your position with the Government. The Government relies on you as its representative, to perform Government business properly, to protect Government interests and to meet the high ethical standards of public service. All employees, supervisors, and management officials share with you the responsibility for ensuring that high standards of ethical conduct are maintained within the Government. You are required to become familiar with the standards of conduct regulations and to exercise judgment to avoid any action that might result in or create the appearance of misconduct or conflict of interest.

A copy of the current Employee Responsibilities and Conduct section from the Federal Register is included in your orientation guidebook. The following are some key items from that publication:

- You are to act in such a manner so as not to bring disrespect on the Bureau,
- You are not to solicit or accept gifts from employees or persons outside the Bureau,
- You are to use government property, including vehicles, only for official purposes,
- You are expected to promptly pay any indebtedness you incur,
- You are to refrain from committing any acts of sexual harassment against another employee or member of the public,
- You are to refrain from gambling or promoting gambling while on government duty,
- Avoid lending money to other employees,
- You may be involved in outside work only under specific circumstances and only then after approval by your office supervisor, and
- As a Bureau employee you may not hold any interest in Federal lands.

There also are other regulations that govern your behavior as a Federal employee. For example:

- No firearms are allowed at any government facility unless an exemption applies such as law enforcement agents or certain field people involved in specific assigned activities.
- All forms of addictive drugs not prescribed by a physician are prohibited.
- No pets are allowed in government vehicles or buildings.

Statutory provisions contained in the Hatch Act restrict the political activities in which you may participate whether you are on or off official duty. Generally, you - - -

- May register and vote as you choose.
- May assist in voter registration drives.
- May express opinions, as a private individual, about candidates and issues.
- May participate in campaigns where none of the candidates represent a partisan political party.
- May contribute money to political organizations or attend political fund raising functions.
- May attend political rallies and meetings.
- May join political clubs or parties.
- May sign nominating petitions.
- May campaign for or against referendum questions, constitutional amendments, municipal ordinances.

- **May not be candidates for public office in partisan elections.**
- **May not campaign for or against a candidate or slate of candidates in partisan elections.**
- **May not make campaign speeches or engage in other campaign activities to elect partisan candidates.**
- **May not collect contributions or sell tickets to political fund raising functions.**
- **May not distribute campaign material in partisan elections.**
- **May not organize or manage political rallies or meetings.**
- **May not hold office in political clubs, political action committees (PACs), or parties.**
- **May not circulate nominating petitions.**
- **May not work to register voters for one party only.**

Contact: Employee Relations Specialist (AK971)

Reference: BLM Employee Handbook, pp. 42-45

TESTIMONY IN LEGAL PROCEEDINGS

Departmental regulations mandate that as an employee of the Bureau of Land Management, you shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government without receiving prior approval of the State Director. Also, you are advised not to talk informally with litigants or their representatives about proceedings which may involve the Government.

If you work at a District Office, you are to report immediately any contact described above to your District Manager. If you work in the State Office, any such contacts are to be reported to your Deputy State Director or Staff Chief.

Contact: Staff Chief, Public Affairs

Reference: Departmental Manual 452





THE SECRETARY OF THE INTERIOR
WASHINGTON

NOTE TO ALL EMPLOYEES

Please take the time to carefully read the attached Ethics and Conduct Information Bulletin.

It may impact you!

The bulletin deals with a new interpretation of Title 18 U.S.C. Section 208, which is much broader than the previous interpretation.

Section 208 is a criminal statute and the penalties for violation can be severe. I cannot stress enough, the importance of studying the attached material and reviewing your personal financial interests against it. This statute applies to all employees regardless of grade level or position.

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

ETHICS AND CONDUCT INFORMATION BULLETIN

BULLETIN NO. 87-1

DATE October 19, 1987

DEPARTMENT OF JUSTICE MEMORANDUM
ON 18 U.S.C. §208

*** FOR DISTRIBUTION TO ALL EMPLOYEES ***

The Department of Justice has issued a memorandum that deals with the interpretation of the term "particular matter" as those words are used in 18 U.S.C. §208. This conflict of interest statute applies to all employees including those who are not required to file a financial interest statement. Because of the criminal penalties associated with this statute your personal attention to this most recent interpretation is very important.

Title 18 U.S.C. Section 208(a) prohibits each federal employee from acting on a "... proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter" in which he or she has a known financial interest. In the past, Department policy advice about the term "particular matter" was that it encompassed "specific" matters (i.e., discrete and identifiable matters) in which private persons or entities have a clear and direct stake. It was our view that an employee need not because of section 208 be disqualified from participating in more general matters, such as the promulgation of regulations or resolution of general policy issues.

The Department of Justice memorandum requires that we change our past advice. The memorandum concludes that the term "particular matter" in section 208(a) extends to rulemaking and general policy matters, as well as "specific" matters. The memorandum states: "The language and legislative history of section 208, as well as other provisions of the conflict of interest laws, support an interpretation under which the statutory disqualification requirement extends to all discrete matters that are the subject of agency action, no matter how general their effect. Whatever flexibility there is in applying section 208(a) in the context of such a discrete matter must be introduced in connection with determining whether, in light of all the facts, the matter is likely to have a direct and predictable effect on an official's private financial interest."

This means that an employee may not work on general matters (regulations, general policy issues, general legislation matters, etc.) when he or she has a known financial interest covered by §208(a) and the general matter is "likely to have a direct and predictable effect" on that financial interest. In applying this broader interpretation, any

direct and predictable effect is important to the decision of whether §208(a) applies. Even when an employee's work on regulations will have a detrimental effect on personal financial interests, disqualifications are still necessary and §208(a) will still apply.

It should be remembered that §208(a) applies to the employee's known financial interests and to financial interests the employee knows to be held by:

- o His or her spouse or minor children.
- o His or her partner.
- o An organization in which the employee is serving as an officer, director, trustee, partner or employee, or
- o Any person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment.

Disqualification is necessary if official action on a matter will affect any of these known financial interests. For example, you may be a partner with an individual in a business venture that has nothing to do with the Department of the Interior. If your partner deals with the Department of the Interior through other business arrangements in which you have no financial interest and you have knowledge of that fact, you may not work on any matters, including general regulations or policy matters, when those matters are likely to have a direct and predictable effect on your partner's financial interests.

Also, for example, you may be an officer, trustee, partner or employee, serving without pay, in a non-profit, tax-exempt organization. If you know that organization has a financial interest in any Department of the Interior issues, you may not work on those issues, including any general regulations or policy matters, when your work is likely to have a direct and predictable effect on the organization's financial interests. The fact that an organization is willing to expend funds to legally challenge or to garner support for the Department of the Interior may be viewed as a financial interest in Department issues.

The provisions of 18 U.S.C. §208(b) provide very limited criteria for granting waivers to the §208(a) prohibitions. Waivers must be requested, in advance of participation in a particular matter. Requests must be in writing and sent to the Designated Agency Ethics Official.

It is also important to know that this broader interpretation of 18 U.S.C. §208 does not change or eliminate the application of the general conflict of interest requirements in Executive Order 11222, as amended. While 18 U.S.C. §208 provides criminal penalties for actions in connection with specific known financial interests, Executive Order 11222, as amended, provides administrative penalties for certain actions. Specifically, all Federal employees are prohibited from:

- (i) Using public office for private gain;
- (ii) Giving preferential treatment to any person, except as authorized or required by law;
- (iii) Impeding Government efficiency or economy;
- (iv) Losing independence or impartiality;
- (v) Making a Government decision outside official channels; or
- (vi) Affecting adversely the confidence of the public in the integrity of the Government.

Deputy, Associate and Assistant Ethics Counselors throughout the Department are being directed to implement the Justice Department memorandum immediately. Application of this broader prohibition will not be made retroactively.

Employees are personally responsible for analyzing their own situations and for determining if any problems exist under this law. I urge each of you to immediately review your financial interests with this new interpretation in mind. If you think you have a problem or if you need assistance to make a determination, please contact your bureau or office ethics counselor. I will see to it that sufficient resources are devoted to this effort so that your inquiry can be handled in a timely manner. I recognize that some time is necessary for employees and ethics counselors to review and analyze each situation in order to fully implement the Justice Department memorandum. Employees will be expected to be in full compliance with this broader interpretation as soon as their individual circumstances permit, but, in all events, no later than December 31, 1987.



DONALD PAUL HODEL
SECRETARY

Tuesday
December 1, 1981
Revisions to October 1, 1984

Part II

**Department of the
Interior**

Office of the Secretary

Employee Responsibilities and Conduct

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

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- 20.735-1 Definitions.
- 20.735-2 Purpose, policy, and general responsibilities.
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APPENDIX C—LIST OF EMPLOYEES, IN ADDITION TO GS-15'S AND HIGHER, REQUIRED TO FILE CONFIDENTIAL STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS (NOTE)

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 207(j) (Supp. V 1981); sec. 12, Ch. 376, 48 Stat. 986 (25 U.S.C. 472); sec. 201(f), Pub. L. 95-87, 91 Stat. 450-81 (30 U.S.C. 1211 (Supp. V 1981)); E.O. 11222, 36 FR 6469, 3 CFR 1964-65 (Comp.), as amended (18 U.S.C. 201 note); 5 CFR 735-104; 5 CFR 734.103; 5 CFR 737.1(c)(7), unless otherwise noted.

SOURCE: 46 FR 58423, Dec. 1, 1981, unless otherwise noted.

Subpart A—General Provisions

§ 20.735-1 Definitions.

(a) **General.** The following terms are used throughout this part and have the following meanings:

(1) "Department" means the United States Department of the Interior and any of its components.

(2) "Secretary" means the Secretary of the Interior.

(3) "Bureau" means each major program operating organization of the Department, the Office of the Secretary, and each other Departmental Office.

(4) "Employee" means a regular employee, a special government employee, and a contract education employee in Indian Affairs as defined in 25 CFR 31(g)(2)(h) and (i) unless the text of a particular subpart, section, or paragraph indicates that either regular employees or special government employees are not intended to be covered by that subpart, section or paragraph. Volunteers in Parks accepted pursuant to 18 U.S.C. 18(g) are not employees.

(5) "Regular employee" means any officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 consecutive days.

(6) "Special government employee" means any employee or officer of the Department who is retained, designat-

ed. appointed, or employed to perform temporary duties, with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time, part-time or intermittent basis (18 U.S.C. 202). U.S. Mineral Surveyors are considered to be special government employees.

(7) "U.S. Mineral Surveyor" means a person appointed under the authority of 30 U.S.C. 38, and as such is included within the term "officers, clerks, and employees" of the Bureau of Land Management as that term is used in 43 U.S.C. 11 and construed in *Waskay v. Hammer*, 223 U.S. 85 (1912).

(8) "Executive Order" means Executive Order 11222 of May 8, 1965 (18 U.S.C. 201 note).

(9) "Designated Agency Ethics Official" means the Principal Deputy Assistant Secretary—Policy, Budget and Administration. In accordance with the rules in 5 CFR 738.202(b), the Deputy Agency Ethics Official shall serve as alternate agency ethics official.

(10) "Ethics Counselor" means the head of each bureau, as that term is defined in paragraph (a)(3) above, except that the Assistant Secretary—Policy, Budget and Administration is the Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by the Division of Personnel Services, Office of Administrative Services.

(11) "Deputy Ethics Counselor" means the bureau personnel officer or other qualified headquarters employee who has been delegated responsibility for the operational duties of the Ethics Counselor for that bureau. The Director, Office of Administrative Services is the Deputy Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by that Office.

(12) "Assistant Ethics Counselor" or "Associate Ethics Counselor" means a bureau, regional or area personnel officer or other qualified employee who has been delegated responsibility to perform the operational duties of the Ethics Counselor at the field level. Assistant Ethics Counselors or Associate

Ethics Counselors may also be designated within the bureau headquarters.

(13) "Indian Affairs" means the Office of the Assistant Secretary—Indian Affairs and the Bureau of Indian Affairs.

(14) "Dependent child" means a son, daughter, stepson, or stepdaughter who (i) is unmarried and under age 21 and is living in the household of the employee or (ii) is a dependent of the employee within the meaning of section 132 of Internal Revenue Code of 1954 (26 U.S.C. 152).

(15) "Personal residence" means any real property used exclusively as a private dwelling by the reporting individual or his or her spouse, which is not rented for any period during a calendar year. There may be more than one personal residence, and the term may include a vacation home. The term is not limited to domicile.

(16) "Office of Personnel" means the Departmental Office of Personnel within the Department of the Interior, as distinguished from the Office of Personnel Management (formerly called the Civil Service Commission) and from personnel offices in each bureau within the Department of the Interior.

(b) Specific definitions. Additional definitions of terms specifically associated with a particular subpart or section are found in that subpart or section.

[46 FR 58425, Dec. 1, 1981; 47 FR 2995, Jan. 21, 1982, as amended at 47 FR 42359, Sept. 27, 1982; 48 FR 6374, Feb. 21, 1984]

§ 20.735-2 Purpose, policy, and general responsibilities.

(a) **Purpose.** These regulations set forth Departmental policies and identify principal statutes and regulations which relate to employee conduct and responsibilities. These regulations ordinarily apply to all regular and special employees of the Department. Exceptions to this general rule are stated in the specific subpart, section or paragraph to which they apply.

(b) **General policy.** Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of

Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Executive Orders, Office of Personnel Management regulations and Departmental regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Equal employment opportunity policy.* It is the policy of the Federal Government that there shall be no discrimination in employment based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness. This policy does not affect in any way the provisions of 25 U.S.C. 472 dealing with Indian preference in employment.

(d) *Conformance with policy and subordination to authority.* Employees are required to carry out the announced policies and programs of the Department and to obey proper requests and directions of supervisors. While policies related to one's work are under consideration employees may, and are expected to, express their professional opinions and points of view. Once a decision has been rendered by those in authority, each employee is expected to comply with the decision and work to ensure the success of programs or issues affected by the decision. An employee is subject to appropriate disciplinary action, including removal from office, if he or she fails to: (1) Comply with any lawful regulations, orders, or policies, or

(2) Obey the proper requests of supervisors having responsibility for his or her performance.

(e) *Applicability to Indian Affairs employees.* The provisions of this part apply to non-Indian employees in

Indian Affairs in the same manner as they apply to all other employees employed elsewhere in the Department. Except where otherwise indicated, the provisions of this part shall also apply to Indian and Alaska Native employees in Indian Affairs.

(f) *Bureau responsibilities.* Ethics Counselors shall: (1) Establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau. Supplementary guidelines must be approved by the Designated Agency Ethics Official before they are issued.

(2) Give a copy of the regulations in this part to each employee upon entrance to duty. At least once annually, each Ethics Counselor shall:

(i) Remind each employee of the regulations in this part; and

(ii) Inform each employee of the name, location and telephone number of bureau officials who can properly counsel them on ethics and conduct matters.

This annual reminder shall be accomplished through a publication or memorandum issued to all employees. In addition, vacancy announcements for those positions which require any statement of employment and financial interest shall alert applicants to the filling requirements.

(3) Notify the Designated Agency Ethics Official of the names and locations of each Deputy and Assistant Ethics Counselor and of changes in such designations.

(g) *Employee responsibilities.* It is the responsibility of employees (1) to be familiar with and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest, employees may obtain advice and guidance from their Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, the Depart-

ment Ethics Official or the Office of the Solicitor. (2) to be careful in dealing with the public and with representatives of private industry so as not to give an opinion or decision contrary to expressed Departmental or bureau policy. (3) to avoid expressing personal opinions or making unauthorized decisions about work situations where those opinions or decisions may be mistakenly taken to be the opinion or decision of the bureau or Department. A memorandum of discussion should be prepared by employees providing ethics advice to representatives of private industry. (4) to report directly or through appropriate channels to the Office of Inspector General matters coming to their attention which do or may involve violations of law or rule by employees, contractors, sub-contractors, grantees, subgrantees, lessees, licensees or other persons having official business with the Department.

(h) *Conduct codes for specific groups.* (1) Special codes of conduct not in derogation of this part may be developed or adopted (if established by the profession in which the employee is engaged, such as attorneys and accountants) by a bureau or the Department for specific groups of employees engaged in the same occupation or profession.

(2) Certain individuals, for example, volunteers in National Park Service programs and enrollees and corps members in youth and young adult programs administered by the Office of Youth Programs, are Federal employees only as specifically provided in the statute which authorizes their particular program. In the absence of a statutory provision which makes the individual in one of these programs a regular or special Government employee, the individual is not subject to the regulations in this part. However, the head of a bureau responsible for individuals in such a program may submit a proposal requesting that all or part of the regulations in this part be made applicable to the particular category.

(3) Proposals for special codes of conduct, including procedures for their implementation, and proposals for applying a portion of these regulations to specific categories of individ-

uals shall be submitted to the Designated Agency Ethics Official for approval. The Office of Personnel and the Office of the Solicitor shall also approve such proposals before they are adopted.

(4)(i) Special codes of conduct have been approved in accordance with § 20.735-2(h) for two groups of employees:

(A) Bureau of Land Management Fire Management Teams—approved January 16, 1981.

(B) Office of Inspector General Auditors and Investigators—approved July 16, 1982.

(ii) Special codes are effective when signed by the Designated Agency Ethics Official and a representative of the Office of Personnel and the Office of the Solicitor. The listing of codes adopted will be revised when revisions are made to 43 CFR Part 20. Copies of these codes may be obtained from the Department's Designated Agency Ethics Official or the Bureau Ethics Counselor for the bureau involved.

(46 FR 38423, Dec. 1, 1981, as amended at 47 FR 42360, Sept. 27, 1982; 49 FR 6373, Feb. 21, 1984)

§ 20.735-3 Responsibilities of ethics officials and channels for counseling.

(a) *Responsibilities of ethics officials.* (1) The Designated Agency Ethics Official (or the Deputy Agency Ethics Official in his or her absence) shall: (i) Administer the regulations governing the conduct and responsibilities of employees in the Department;

(ii) Develop and administer an effective system and procedures for the collection, filing, review, and public inspection of financial disclosure statements in accordance with applicable statutes and regulations;

(iii) Provide advice, assistance, training, and guidance to all levels of Ethics Counselors and to any employee within the Department;

(iv) Monitor the conflict of interest program using reports requested of bureaus and periodic internal audits and administrative reviews performed by the Office of Inspector General, the Designated Agency Ethics Official, or others.

(v) Review statements of employment and financial interests for those Department employees cited in § 20.735-31(b);

(vi) Ensure that all financial disclosure statements filed by employees with bureaus are completely and effectively maintained and consistently reviewed for conformance to all applicable laws and statutes;

(vii) Assume the authorities and responsibilities of any Ethics Counselor within the Department, either for the duration of an individual case or for a period or periods not to exceed six months each;

(viii) Develop and supervise an education and counseling program for employees on all ethics and standards of conduct matters; the program shall include counseling on post employment matters and shall provide that adequate and specific records are kept on any advice rendered;

(ix) Evaluate periodically, in conjunction with the Office of Government Ethics, the Department's standards of conduct regulations, financial disclosure systems and post-employment enforcement systems to determine their adequacy and effectiveness in relation to current Departmental responsibilities;

(x) Act as liaison with and, as necessary or required, provide information to the Office of Government Ethics concerning the Department's ethics function.

(xi) Develop, maintain and publish a list of those circumstances or situations, which have resulted or may result in noncompliance with ethics laws and regulations;

(xii) Keep appropriate records on advice rendered;

(xiii) Take prompt and effective action to insure that appropriate remedial actions are taken;

(2) Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus. Ethics Counselors shall: (i) Order remedial action in accordance with the provisions of § 20.735-40. This authority may not be redelegated;

(ii) Designate the Bureau Personnel Officer (or other qualified headquar-

ters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situations, and answering employee conduct questions;

(iii) Consolidate the final review, certification and filing of financial interest statements at the headquarters level; and,

(iv) Designate regional or area personnel officers (or other qualified employees) as Assistant Ethics Counselors to perform ethics counseling and the initial financial statement review at the field office level. Assistant Ethics Counselors may also be designated within the bureau headquarters.

(b) *Channels for counseling.* Employee may seek advice from any bureau ethics counselor, the Designated Agency Ethics Official or the Office of the Solicitor. It is the Department's policy to encourage responsible disposition of counseling requests and to strive for consistency in the application of employee responsibility and conduct regulations. To achieve this:

(1) Ethics Counselors shall, if possible, consolidate the operation of the ethics counseling function at the headquarters level. Employee inquiries should be directed to that office. In bureaus where consolidation is not feasible, Assistant Ethics Counselors shall seek concurrence in their final decisions from the bureau Deputy Ethics Counselor or Ethics Counselor. Ethics Counselors may seek advice from the Designated Agency Ethics Official, Regional Solicitors, the Associate Solicitor for General Law or other Solicitor Office officials designated by the Solicitor.

(2) The Designated Agency Ethics Official shall provide advice on any ethics matter to employees and to Ethics Counselors and shall seek advice from the Associate Solicitor—General Law.

(3) Employees wishing to request advice from the Solicitor's Office shall submit requests to Regional Solicitors or to the Associate Solicitor—General Law, in Washington, D.C., as appropri-

ate. Regional Solicitors called upon to render advice which will affect interpretations of the employee responsibility and conduct regulations shall seek concurrence in their final decisions from the Associate Solicitor—General Law.

(46 FR 58428, Dec. 1, 1981, as amended at 48 FR 6375, Feb. 21, 1984)

§ 20.735-4 Sanctions.

(a) Violations of the regulations in this part by an employee may be cause for appropriate corrective, disciplinary or remedial action, which may be in addition to any criminal or civil penalty provided by law.

(b)(1) Disciplinary action may include oral or written warning or admonishment, reprimand, suspension, reduction in grade or pay, removal from position or removal from office. Such action shall be taken in accordance with Departmental policies and procedures, applicable statutes, Executive Orders, regulations, and any applicable collective bargaining agreement provisions. Disciplinary action for violation of conflict of interest laws or of the regulations in this Part, may be imposed independently from and without prior application of remedial actions including those remedial actions cited in § 20.735-40.

(2) Remedial actions required may include those actions described in § 20.735-40. Failure to comply with appropriate remedial action may result in suspension or removal from office, or other disciplinary action. Employees may appeal divestiture orders in accordance with procedures contained in § 20.735-43.

(c) The procedures for disciplinary action involving contract education employees in Indian Affairs are contained in 25 CFR 38.6.

(48 FR 6375, Feb. 21, 1984)

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 20.735-6 Scope of subpart.

(a) Standards of conduct. This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of

both regular and special government employees in the discharge of their official responsibilities. Employees are expected to maintain high standards of honesty, integrity, impartiality, and other ethical and moral conduct and to avoid any actions, whether on or off duty, which could reflect adversely on the Department or Government service or which would jeopardize the employee's fitness for duty or effectiveness in dealing with other employees or with the public.

(b) Prohibited Activities. (1) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of: (i) Using public office for private gain;

(ii) Giving preferential treatment to any person, except as authorized or required by law;

(iii) Impeding Government efficiency or economy;

(iv) Losing independence or impartiality;

(v) Making a Government decision outside official channels; or

(vi) Affecting adversely the confidence of the public in the integrity of the Government.

(2) An employee shall not have any interest (financial or non-financial) in any contract, grant or other particular matter administered or controlled by this Department in which the employee was personally or substantially involved through the performance of his or her duties.

(3) Contracts shall not knowingly be entered into between the Government and employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied. (41 CFR 1-1.302-3)

(4) When a contracting officer has reason to believe that an exception as described in paragraph (b)(3) of this section, should be made, approval of the decision to make such an exception shall be handled in accordance with agency procedures and shall be obtained prior to entering into any such contract. (41 CFR 1-1.302-3)

§ 20.735-7 Gifts, entertainment, and favors from domestic sources

(a) *Soliciting or accepting gifts*

Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, regardless of its value, from a person who: (1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

The prohibitions in this paragraph apply to special government employees while they are employed by the Department or in connection with their work with the Department.

NOTE: For purposes of the exclusions in this subparagraph (b) where the term "nominal value" is used it means a value of \$35 or less.

(b) *Exclusions.* (1) The prohibitions of paragraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(2) An employee may accept: (i) Food and refreshments of nominal value on infrequent occasions in the ordinary course of an official luncheon, or dinner meeting or other official or professional function or on an inspection tour where an employee may properly be in attendance.

(ii) Unsolicited advertising or promotional material, of nominal value such as pens, pencils, note pads, calendars, and other similar items.

(iii) Gifts, on behalf of the Department, which are offered for the advancement of the American Indian, or for the National Parks; such gifts shall be deposited with the bureau property officer, and

(iv) Suitable mementos or awards of nominal value for a meritorious public contribution or achievement.

(3) All Department employees may accept gifts offered to them by inhabitants or officials of the islands, territories and possessions which fall within the responsibility of the United States, when refusal to accept such gifts would be likely to cause offense or embarrassment or otherwise adversely affect relations with the United States. Gifts of nominal value or perishable gifts such as food or flowers accepted under this provision may be retained by the employee. Non-perishable gifts of more than nominal value accepted under this provision shall be deemed to have been accepted for the Department, shall become the property of the United States upon acceptance, and shall be deposited by the employee with his or her property officer within 60 days of acceptance.

(c) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift or donation made on a special occasion such as a marriage, illness, or retirement.

[46 FR 58425, Dec. 1, 1981; 47 FR 2995, Jan. 21, 1982, as amended at 47 FR 42360, Sept. 27, 1982; 49 FR 6375, Feb. 21, 1984]

§ 20.735-8 Gifts and decorations from foreign governments

(a) This section implements the Foreign Gifts and Decorations Act (5 U.S.C. 7342).

(b) *Definitions.* (1) "Employee" means all regular and special government employees of the Department, experts and consultants of the Department appointed under 5 U.S.C. 3109, spouses of all such individuals (unless such individual and his or her spouse are separated) and dependents (within the meaning of section 152 of the Internal Revenue Code, 26 U.S.C. 152) of such an individual.

(2) "Foreign government" means any unit of foreign governmental au-

thority, including any foreign national, State, local and municipal government; any international or multinational organization whose membership is composed of any unit of foreign government; and any agent or representative of any such unit or organization while acting in that capacity.

(3) "Gift" means a tangible or intangible present, other than a decoration, tendered by, or received from, a foreign government. Examples of intangible gifts are travel and subsistence expenses.

(4) "Decoration" means an order, device, medal, badge, insignia, emblem or award tendered by, or received from, a foreign government.

(5) "Minimal Value" means a retail value in the United States at the time of acceptance of \$140.00 or less. Refer to Federal Property Management Regulations Amendment H-130 dated September 29, 1981.

(c) **Prohibited activities.** An employee is prohibited from: (1) Requesting or otherwise encouraging the tender of a gift or decoration from a foreign government; or

(2) Accepting a gift or decoration from a foreign government, except in accordance with the rules and procedures of the Department. These prohibitions apply whether an employee is on or off duty.

(d) **Exceptions.** An employee may: (1) Accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(2) Accept a gift of more than minimal value when such a gift is in the nature of an educational scholarship or medical treatment, or when it appears to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, provided that: (i) When a tangible gift of more than minimal value is accepted, it will be deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) An employee may accept gifts of travel or expenses for travel taking place entirely outside the United

States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and determined by the Assistant Secretary—Policy, Budget and Administration to be in the best interests of the Department. In such cases, an appropriate adjustment must be made to the travel voucher claim covering per diem, lodging, etc.

(3) Accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Department. Provided, That: (i) Without such approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) Requests for approval should be sent to the Assistant Secretary—Policy, Budget and Administration.

[46 FR 38426, Dec. 1, 1981; 47 FR 2995, Jan. 21, 1982]

§ 20.735-9 Reimbursement of travel and related expenses.

(a) **Policy.** (1) Except as specifically authorized by law, when an employee is on official duty (no leave status) all travel and accommodations shall be at Government expense and his or her acceptance of outside reimbursement for travel expenses or services in kind from private sources, either in his or her behalf or in behalf of the government, is not allowed (18 U.S.C. 209). This includes instances where an employee is officially directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source. In such instances, expenses shall be charged to the appropriate bureau or Department appropriation.

(2) The Department may charge a fee or accept reimbursement for providing a service or thing of value to a private source when the service or

thing of value provided benefits to both the Government and the particular private source (31 U.S.C 9701). In such instances only a portion of the costs can be accepted from the private source. The Department must pay expenses associated with its usual official business and for the benefits it receives from participating in the event. The private source can be charged or may reimburse the Department for that portion of the service provided that exceeds the Department's usual expenses and the benefits to the government. Under this provision, payments from private sources must be deposited in the U.S. Treasury unless the bureau receiving the payment is authorized by statute to accept such payments.

(3) When a bureau is authorized by statute to accept gifts, the travel expenses incurred by an employee directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source may be reimbursed to the bureau and credited to its appropriation. The employee shall be paid by the bureau in accordance with the law relating to reimbursement for official travel and any accommodations and goods or services in kind furnished an employee shall be treated as a donation to the bureau and an appropriate reduction shall be made to the employee's reimbursement (46 CG 689 (1967)).

(4) When participation at a function is not in an official capacity, an employee may accept reimbursement of travel and accommodation expenses from a private source, provided that such acceptance creates no conflict or appearance of a conflict of interest with one's official duties. Participation as a private citizen must occur on one's own time, such as while on leave. If participation should occur during the course of official travel (i.e., evening or weekend hours during official travel status), the travel voucher submitted for Government reimbursement of official duty expenses must be adjusted to claim only that per diem and travel attributable to official duty. Employees who are appointed by the President and paid at a rate higher

than the highest rate for GS-18 are on 24 hour duty and determinations of what constitutes official duty and what is private participation should be carefully made.

EXAMPLE An employee who is a member of a professional society is asked to speak at a society meeting. The society offers the employee air fare to and from the meeting and meals, but hotel accommodations are not offered. In order for the employee to attend while on official duty (no leave status) a decision must be made by his or her supervisor that attendance will result in sufficient benefits to the Government. If it is decided that there will be benefit to the Government all expenses: Air fare, meals, and hotel, must be paid to the employee by the Government. In this situation, if the employee's bureau is authorized by statute to accept gifts then (1) the air fare offered by the Society can be paid to the bureau, (2) the employee may accept the meals and the employee expenses for air fare and per diem shall be paid by the bureau with an appropriate reduction for the meals. If the supervisor decides that attendance at the meeting will not benefit the Government the employee may participate in the meeting and accept the air fare and meals offered by the Society in a non-official capacity, while on leave, provided that such participation creates no conflict or appearance of conflict with his or her official duties. Hotel and other related costs will be at the employee's personal expense.

(b) **Exclusions.** (1) When on official duty, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings may be accepted by an employee when the payment is made by a nonprofit, tax exempt organization as described in 26 U.S.C. 501(c)(3) and when no real or apparent conflict of interest will result. Prior advice should be obtained from the employee's ethics counselor in this circumstance (5 U.S.C. 4111).

(2) Employees may accept reimbursement by the Department for travel and related expenses when assigned (official personnel action detail) to State and local governments and to universities in accordance with 5 U.S.C. 3375.

(3) Should the Director of the United States Information Agency, with the approval of the employing agency, assign a Departmental em-

ployee to a foreign government, reimbursement for the employee's pay and allowances shall be made to the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment, in accordance with 22 U.S.C. 1451.

(4) Should an employee be detailed by the Secretary to an international organization which requests services, the employee is deemed to be (for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits) an employee of the Department and the employee is entitled to pay, allowances, and benefits from funds available to the Department. The international organization may reimburse the Department for all or part of the pay, travel expenses, and allowances payable during the detail; or, the detailed employee may be paid or reimbursed directly by the international organization for allowances or expenses incurred in the performance of duties required by the detail without regard to 18 U.S.C. 209 (5 U.S.C. 3343).

(46 FR 58428, Dec. 1, 1981; 47 FR 2998, Jan. 21, 1982; 47 FR 42360, Sept. 27, 1982, as amended at 49 FR 6375, Feb. 21, 1984)

§ 20.735-10 Teaching, lecturing and writing.

(a) General policy. Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by statute, the Executive Order, Office of Personnel Management regulations, or this part.

(b) Using information obtained because of employment. An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public.

(c) Preparing persons for examinations. An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Office of Personnel Management or the Board of Examiners for the Foreign Service.

§ 20.735-11 Honorariums and outside earned income.

(a) Definition. The term "honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article, or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(b) Policy on acceptance of honorariums. (1) No employee shall accept an honorarium for any activity the subject of which is devoted substantially to the responsibilities, programs, or operations of the Department, draws substantially on official data or ideas not part of the body of public information, or involves any other contribution of Government facilities, materials, funds, or services.

(2) The acceptance of honorariums by employees from groups doing business with or whose interests can be affected by the Department presents the potential for a conflict or the appearance of a conflict of interest. An employee is prohibited from receiving an honorarium from an organization at a time when the employee has before him or her issues the resolution of which will affect the interests of that organization.

(3) Acceptance of honorariums by employees in circumstances other than those enumerated in this subsection is permissible if the article, speech, or appearance for which payment is accepted, was not written, delivered or made while the official was on duty and if acceptance would not create an appearance of a conflict of interest.

(4) An employee is prohibited from accepting any honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such employee and his or her spouse or an aide to such

employee, and excluding amounts paid or incurred for any agent's fees or commissions) for each appearance, speech, or article (2 U.S.C. 441(l)).

(c) All speeches to be made by members of the Office of the Secretary, and by headquarters officials of bureaus and offices, shall given prior review by the Office of Public Affairs. All articles for publication that deal with policies or programs of the Department, its bureaus or offices, are subject to prior review by the Office of Public Affairs. See 470 DM 1.2D and E of the Departmental Manual for more detail about this provision. These requirements are applicable whether or not an honorarium is to be paid.

(d) *Restriction on Outside Earned Income.* All employees who are compensated at a pay grade in the General Schedule of grade 16 or above and who occupy full-time positions appointment to which must be made by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary. Outside earned income is all income earned from services rendered and excludes income from interest, dividends, royalties, or rents derived from financial investments.

(e) *Honorariums transferred to charitable organizations.* If an honorarium payable to an employee, is paid instead, at the employee's request, to a charitable organization operated exclusively for educational purposes and selected by the payor from a list of 5 or more charitable organizations provided by the employee, then, that employee shall not be treated as accepting that honorarium for purposes of 2 U.S.C. 4111. However, the employee must include the amount in gross income, as defined in 26 U.S.C. 61, for individual tax purposes. In such situations, the amount can be claimed as a charitable contribution deduction, subject to limitations set forth in 26 U.S.C. 170. For purposes of this provision "charitable organization" means an organization as described in 26 U.S.C. 170(c).

(f) *Violation.* In addition to the potential sanctions in § 20.735-4, any individual who knowingly and willfully

violates the honorarium provisions of this section shall be reported to the Federal Election Commission and may be subject to civil and criminal penalties as provided for by section 108 of Pub. L. 96-187, 93 Stat. 1368-1369.

[46 FR 58425, Dec. 1, 1981, as amended at 47 FR 42360, Sept. 27, 1982]

§ 20.735-12 Nepotism.

(a) *Definition.* "Relative" means an individual who is related to the employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) *Policy.* An employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the Department or over which he or she exercises jurisdiction or control, any individual who is a relative of the employee. An individual may not be appointed, employed, promoted, or advanced in or to a position in the Department if such appointment, employment, promotion, or advancement has been advocated by an employee, who is a relative of the individual and who is serving in or exercising jurisdiction, or control over the position. (5 U.S.C. 3110)

(c) *Exceptions.* (1) An employee may employ or appoint relatives to meet emergency needs without regard to the restrictions in 5 U.S.C. 3110 and this part. Appointments under these conditions are temporary not to exceed 1 month, but may be extended for a second month if the emergency needs still exist (refer to 5 CFR 310.202). Emergency needs means a national emergency as defined in the Federal Personnel Manual and includes emergencies posing immediate threat to life or property. Exceptions may also be made in situations involving special scientific needs, isolated field stations or locations where there is a shortage of quarters. In regard to summer employees, refer to current Department directives.

(2) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under 5 U.S.C. 3317(a) will result in the selection for appointment of an individual who is not a preference eligible.

(3) An employee may supervise a relative when: A bureau director or the Assistant Secretary—Policy, Budget and Administration for Office of the Secretary and other Departmental office employees, (i) finds that all merit-related provisions of Federal law have been observed, (ii) determines that such supervision would result in a net benefit to the Government, and (iii) assigns a non-related individual as manager to conduct performance evaluations and recommend promotions or advancements.

Supervision under this exception is limited to activities other than appointing, employing, promoting, advancing or advocating the appointment, employment, promotion or advancement of a relative. Effectively then, this exception allows an employee to work with his or her relative on the same project and to direct the work of a relative. Appointment, employment, promotion or advancement of a relative, and the advocacy of these actions for a relative, are prohibited by statute (5 U.S.C. 3110) and this exception does not allow these activities. It is recognized that the policy of Indian Self Determination, the application of Indian Preference and the isolation of many Indian Affairs installations may create situations where Indian Affairs employees exercise supervision or administrative control over an individual who is a relative. In such instances, except for emergency situations, all supervisory or administrative controls to be exercised over a relative shall be referred, without recommendation or advocacy, to the next higher administrative level for review and action.

(d) Violation. An individual supervised, appointed, employed, promoted, or advanced in violation of this section shall not receive salary. And, an employee who supervises, appoints, employs, promotes, advances or advocates

these actions in violation of this section shall be subject to the sanctions in § 20.735-4.

[46 FR 58425, Dec. 1, 1981, as amended at 47 FR 42360, Sept. 27, 1982]

§ 20.735-13 Negotiations for non-Federal employment.

(a) Negotiation for employment commences when: (1) The employee or anyone at the direction of and on behalf of the employee, initiates a communication in writing or orally, directly or indirectly, to the prospective employer for the purpose of discussing rendering service to the prospective employer upon termination of the employee's service as an employee of the Department, or

(2) An individual, partnership, association, corporation or organization initiates a communication to the employee or representative of the employee and the employee or the employee's representative responds directly or indirectly with the communicator and indicates that the employee is interested in serving the communicator upon termination of employment with the Department.

(b) Policy. (1) An employee shall not without permission negotiate for future non-Federal employment with persons or organizations having business with the Department if the employee is called upon to render advice or make judgments which substantially affect those persons or organizations.

(2) In the event that an employee desires to negotiate for future employment with organizations he or she is called upon to render advice or make judgments about, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate ethics counselor. If the supervisor and the ethics counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize, in writing, the employee to proceed to negotiate.

(3) Where authorization is granted the employee shall be restricted from participating in his or her governmental capacity in any matter in which the employee, or the employee's

spouse, minor child, outside business associate, or person with whom he or she is negotiating for employment has a financial interest (18 U.S.C. 208).

(4) Nothing in this section prohibits an employee from negotiating with a tribal organization that initiates a communication directly or indirectly to an employee for the purpose of employment or temporary reassignment in accordance with the Indian Self Determination Act (25 U.S.C. 450).

(46 FR 58425, Dec. 1, 1981; 47 FR 42360, Sept. 27, 1982)

§ 20.735-14 Political activity.

(a) Hatch Act 5 U.S.C. 7324 states generally that an employee may not use his or her official authority or influence for the purpose of interfering with or affecting the results of an election; or take an active part in political management or in political campaigns. An employee is subject to dismissal for violation of this prohibition. Persons who are employed on an irregular or occasional basis, e.g., experts and consultants, are subject to the political activity restrictions of 5 U.S.C. 7324 while in an active duty status only and for the entire 24 hours of any day of actual employment. In accordance with regulations contained in 5 CFR Part 733, the following definitions, permissible activities and prohibited activities help to interpret the restrictions in 5 U.S.C. 7324.

(1) Definitions include: (i) "Political party" means a National political party, a State political party, and an affiliated organization;

(ii) "Election" includes a primary, special, and general election;

(iii) "Nonpartisan election" means: (A) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential election received votes in the last preceding election at which presidential electors were selected, and

(B) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

(iv) "Partisan" when used as an adjective refers to a political party.

(2) "Permissible activities" consistent with the restrictions imposed by 5 U.S.C. 7324 include the right to: (i) Register and vote in any election;

(ii) Express opinions as an individual privately and publicly on political subjects and candidates;

(iii) Display a political picture, sticker, badge, or button;

(iv) Participate to the extent consistent with law in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(v) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(vi) Attend a political convention, rally, fund-raising function, or political gathering;

(vii) Sign a political petition as an individual;

(viii) Make a financial contribution to a political party or organization except as restricted by provisions explained in § 20.735-14(c);

(ix) Take an active part as an independent candidate, or in support of an independent candidate, in a partisan election covered by rules in 5 CFR 733.124;

(x) Take an active part as a candidate or in support of a candidate, in a nonpartisan election;

(xi) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(xii) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(xiii) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise one's efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the Department.

(3) "Prohibited activities" include, but are not limited to: (1) Any activity listed in § 20.735-14(a)(2) if participation in the activity would interfere

with the efficient performance of official duties or create a conflict or apparent conflict of interest;

(ii) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, an officer in a Political Action Committee, or being a candidate for any of these positions. With respect to membership in Political Action Committees employees should obtain guidance from their ethics counselor;

(iii) Organizing or reorganizing a political party organization or political club;

(iv) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(v) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a candidate in a partisan election or a political party, or political club;

(vi) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;

(vii) Becoming a candidate for, or campaigning for, an elective public office in a partisan election except as indicated in § 20.735-14(a)(2)(ix);

(viii) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

(ix) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

(x) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;

(xi) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(xii) Serving as a delegate, alternate, or proxy to a political party convention;

(xiii) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in op-

position to a partisan candidate for public office or political party office; and

(xiv) Initiating or circulating a partisan nominating petition.

(4) Additional information regarding employees' participation in political activities, including certain exceptions for employees appointed by the President, by and with the advice and consent of the Senate, is contained in 5 CFR Part 733.

(b) *Political affiliation.* No person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his or her political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his or her political affiliation (5 CFR 4.2).

(c) *Federal Election Campaign Act Amendments of 1979.* The Federal Election Campaign Act Amendments of 1979, 93 Stat. 1339, prohibit, under threat of criminal penalty, Federal employees from contributing to a person if the person receiving said contribution is the employer or employing authority of the contributor.

[46 FR 58423, Dec. 1, 1981, as amended at 47 FR 42360, Sept. 27, 1982]

§ 20.735-15 Government property.

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to them in connection with their official duties. It is each employee's responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government motor vehicles or aircraft.* Employees shall not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes. Violation of

this provision shall automatically result in suspension from duty without compensation, for not less than one month. See 31 U.S.C. 638a(c)(2) and 41 CFR Subpart 114-38.50 for additional interpretation and guidance on official use of motor vehicles or aircraft.

(c) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property, or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643 and 654).

§ 20.735-16 Indebtedness.

(a) *Employee responsibility.* An employee: (1) Shall pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Shall refund salary overpayments, excess travel expense advances, and pay income taxes when due;

(3) Shall pay a final determination of indebtedness for Federal, state or local taxes. Final determination means the last decision that ends those available administrative and judicial appeals and remedies which an employee actively pursues.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department or any bureau determine the validity or amounts of its employees' disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he or she shall inform the creditor or collector that he or she is not allowed to transact private business during official hours and that any discussions must be held during non-duty hours and away from Departmental premises.

(d) *Disciplinary action.* An employee may be subject to removal or other disciplinary action for his or her failure to meet just financial obligations.

A proposal to remove or otherwise discipline an employee for these reasons must be taken only after full consideration for the effect on the Department and any mitigating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

§ 20.735-17 Other conduct

(a) *Sexual harassment—(1) Definition.* Sexual harassment means deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome.

(2) No employee shall sexually harass another employee of the Executive Branch or a member of the public having business with the Department. All employees and members of the public are entitled to work or conduct official business in an environment free from sexual harassment. Sexual harassment debilitates morale and productivity, and undermines confidence in the fairness and integrity of government. Sexual harassment is, therefore, a form of employee misconduct which shall subject the employee engaging in such conduct to discipline. Sexual harassment also constitutes sex discrimination, which is a prohibited personnel practice, when it affects an employee's employment status or conditions on the basis of conduct related to gender rather than job performance, such as the taking or refusal to take a personnel action, including, but not limited to, promotion of employees who submit to sexual advances or refusal to promote employees who resist or protest sexual overtures. For example, a supervisor who, on or off duty, uses implicit or explicit sexual behavior to control, influence, or affect the career, salary, or job performance of an employee is engaging in sexual harassment, sex discrimination and a prohibited personnel practice.

(3) *Reporting a violation.* (1) If an employee believes he or she is being or has been sexually harassed, and such harassment relates to his or her employment status or conditions, such a promotion, training, step increase, work assignments, etc., the standard

Equal Employment Opportunity complainant process or the appropriate grievance process can be followed. The affected employee may contact either his or her Equal Employment Opportunity Officer or Personnel Specialist for further information concerning these procedures.

(ii) Individuals may also report any incident of sexual harassment to the Inspector General either by using the hotline 343-2424 (local) or 800-424-5081 (long distance) or by writing to Post Office Box 57016, Washington, D.C. 20037.

(iii) Individuals who in good faith report violations of this sexual harassment policy are assured of freedom from restraint, interference, coercion, discrimination or reprisal for reporting violations, and any employee found to have violated this assurance shall be disciplined pursuant to § 20.735-4.

(b) *Scope of authority.* Employees shall not engage in any conduct or activity which is in excess of his or her authority, or is otherwise contrary to any law or departmental policy.

(c) *Selling or soliciting.* Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by the Department. Exception is granted for Department authorized operations, including, but not limited to, the Interior Department Recreation Association, the Indian Arts and Crafts store, and for cafeteria, newsstand, snack bar and vending machine operations which are authorized by the Department for the benefit of employees or the public.

(d) *Gambling activity.* An employee shall not participate in or promote while on duty for the government any gambling activity, including the operation of a gambling device, a lottery or pool, a numbers game for money or property, or the selling or purchasing of gambling slips or tickets. However, this paragraph does not preclude activities: (1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(e) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees except when officially sponsored by the Department are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(f) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(g) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess may be subject to removal (5 U.S.C. 7352). The provisions of 370 DM 792 should be thoroughly reviewed before considering any such action.

(h) *Community and professional activities.* (1) Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed.

(2) Participation in professional societies or organizations must not be incompatible with an employee's performance at his or her regularly assigned duties or detrimentally affect the Department's capacity to accomplish its missions.

(3) No Indian Affairs employee may hold a position on a tribal election board, or on a tribal school board which oversees Bureau of Indian Affairs schools. An employee in Indian Affairs may hold an office in other organizations, including organizations involving his or her own tribe in accordance with provisions in § 20.735-29(c).

(i) *Appropriations, legislation and lobbying.* (1) Unless expressly authorized by Congress, employees are prohibited from using any part of the money appropriated by any enactment of Congress to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or

designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; this prohibition does not prevent any employee from communicating to Members of Congress on the request of any Member or through proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business (18 U.S.C. 1913). The right of employees, individually or collectively, to otherwise petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a Committee or Member thereof, shall not be interfered with or denied (5 U.S.C. 7211).

(2) Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Departmental authority.

(j) *Unlawful organizations.* An employee may not advocate the violent overthrow of our constitutional form of government nor may an employee be a member of an organization that he or she knows advocates the violent overthrow of our constitutional form of government.

(k) *Patents.* Patent regulations issued by the Secretary, 43 CFR Part 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the Department. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his or her materials.

(l) *Notary.* An employee is prohibited from charging fees for performance of any notarial act for any employee of the Federal Government acting in his or her official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(m) *Penalty and franked mail and official stationery.* An employee is prohibited from using official Government envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719 and 39 U.S.C. 3201 *et seq.*). These statutory requirements prohibit employees from using Government envelopes to mail their own personal job applications.

(n) *Fraud or false statements in a Government matter.* Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly or willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both (18 U.S.C. 1001). Special attention is required in the certification of time and attendance reports, applications for employment, requests for travel reimbursement, and purchase orders and receiving forms.

(o) *Use of official title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public group activities. Use is strictly limited to those occasions and circumstances where representation is official.

(p) *Carrying of firearms.* Employees, except those specifically designated to perform enforcement, police or other official duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Employees who are officially stationed in parks, refuges, Indian reservations, other Tribal lands or other wilderness areas which are known to be inhabited by wild animals, are permitted, when on those lands, to carry and use firearms for personal protection as permitted by existing policy or as authorized by the park, refuge or area supervisor. Notwithstanding this paragraph, employees who are not on official duty may carry firearms on Departmental lands

under the same conditions and in accordance with procedures and authorizations established for members of the general public.

(q) *Labor practices.* Employees are prohibited from striking against the Government of the United States (5 U.S.C. 7311). Additional information regarding affiliation with employee organizations is found in the Department Manual, Part 370, Chapter 711, Labor Management Relations.

(46 FR 58425, Dec. 1, 1981; 47 FR 42360, Sept. 27, 1982)

Subpart C—Conflict of Interest Prohibitions

§ 20.735-20 Scope of subpart

(a) This subpart deals with restrictions on the outside financial and other interests of employees and on outside work by employees.

(b) General conflict of interest prohibitions based on Executive Order 11222 are contained in § 20.735-21. Statutory prohibitions against conflict of interests found in Federal criminal statutes and in enabling legislation for various Departmental bureaus and programs are summarized in § 20.735-22. Restrictions on outside work are contained in § 20.735-23. The remainder of the subpart consolidates the Department's regulatory prohibitions against ownership of certain interests in areas of special Departmental responsibility: (1) Federal lands, (2) mining activity, and (3) Indians and Alaska natives.

(c) For purposes of applying the prohibitions in § 20.735-24 Interests in federal lands, § 20.735-27 Interests in mining activities, and § 20.735-28 Interests in trading with Indians, of this subpart, the term "Office of the Secretary and other Departmental Offices reporting directly to a Secretarial Officer" means the following offices:

The Immediate Office of the Secretary except for the Office of Micronesian Status Negotiations, and the Office of Historically Black College and University Programs.

Solicitor:

Inspector General:

Hearings and Appeals:

Congressional and Legislative Affairs:

Public Affairs:

All Assistant Secretary Immediate Office staff and heads of bureaus which are subordinate to an Assistant Secretary.

The following offices under the Assistant Secretary—Policy, Budget and Administration:

Acquisition and Property Management:

Budget:

Environmental Project Review:

Policy Analysis.

(d) Except where otherwise indicated, the restrictions contained in this subpart apply without regard to grade level or the requirements of Subpart D for filing of financial interest statements. The individual sections of the subpart explain their applicability to special government employees.

(46 FR 58425, Dec. 1, 1981, as amended at 49 FR 6373, Feb. 21, 1984)

§ 20.735-21 General conflict of interest prohibitions.

(a) This section sets out general conflict of interest restrictions which are applicable to all financial and other interests without regard to the subject matter of the particular interest involved. The restrictions are based on Executive Order 11222 and apply to both regular and special government employees. Violation of these restrictions may subject an employee to the administrative sanctions outlined in § 20.735-4. In addition, in certain instances, a conflict between an employee's outside interests and his or her duties and responsibilities may subject the employee to prosecution under Federal criminal statutes. These statutes are summarized in § 20.735-22 (a) and (b).

(b) *Definitions.* (1) "Conflict" means a situation where:

(i) An employee's public duty is or will be affected by his or her financial interest, or

(ii) An employee's financial interest is or will be affected by decisions he or she makes or operations in which he or she is involved in an official capacity.

(2) "Apparent conflict" means a situation where a member of the public would have reasonable cause to believe that an employee may be in conflict, even though he or she might not be. It is not necessary for an employee to have actually taken a Government action related to private financial interests for there to be an apparent conflict.

(3) "Direct interest" means any ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest also includes: (i) Membership or outside employment in a firm and (ii) ownership of stock or other securities in a corporation which has, directly or through a subsidiary, business related to the employee's duties.

(4) "Indirect interest" means any ownership or part ownership of a financial interest by an employee in the name of another where the employee still reaps the benefits. Indirect interest includes:

- (i) Partnership agreements.
- (ii) Sole proprietary or personal relationships where the employee still reaps the benefits.
- (iii) Substantial holdings of a spouse or dependent child, and
- (iv) For Executive Order 11222 restrictions, the substantial holdings of other relatives who live in the employee's personal residence.

NOTE: Examples, not all-inclusive, of the types of interests that are not covered by the terms "direct interest" or "indirect interest" are: diversified mutual funds, vested pension plans, life insurance investments, state and municipal bonds, U.S. Savings bonds and bank, credit union or loan association savings certificates. Financial interests in other investment clubs may be approved by the appropriate ethics counselor if the club's portfolio is well diversified and independently managed by a licensed investment broker. These examples also apply to the definitions of direct and indirect interests contained in §§ 20.735-24—Interests in federal lands, 20.735-26—Interests in mining activities, and 20.735-27—Interests in trading with Indians.

(5) "Substantially or Substantial" means having a significant relationship between either: (i) The dollar value of the financial interest and the employee's specific official duties, or

(ii) The dollar value of the financial interest and the employee's general position within the Department.

"Substantially" is not measured by percentage of ownership.

EXAMPLE: An employee who works as a Contracting Officer owns \$5,000 worth of stock in a computer company. This employee has a significant relationship between that financial interest and the computer company if either of the following situations exist: (1) He or she is required to deal directly with or make decisions concerning the company, or

(2) He or she may potentially be required to deal with or make decisions concerning the company and it is reasonable for members of the public to perceive of such potential activity as being a conflict of interest.

In the first instance there is a substantial conflict. In the second instance there is a substantial apparent conflict. It is important to understand that for a Personnel Officer a \$5,000 interest in the same computer company may not create a substantial conflict or apparent conflict but for the Contracting Officer even a \$1,000 interest in that computer company may still be considered substantial.

(6) "Relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, half-sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual.

(c) **Prohibitions.** No employee shall:

- (1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

- (2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his or her Government employment.

These prohibitions apply whether or not the employee has to file a financial interest statement.

(46 FR 58425, Dec. 1, 1981, as amended at 47 FR 42360, Sept. 27, 1982)

§ 20.735-22 Statutory prohibitions.

(a) The criminal statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are 18 U.S.C. 203, 205, 207, 208, and 209. In summary, a regular employee may not in accordance with these statutes: (1) Directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, except as authorized by law (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Participate in his or her government capacity in any matter in which he or she, his or her spouse, minor child, outside business associate, organization in which he or she serves as an officer or employee, or person with whom he or she is negotiating for employment, has a financial interest (18 U.S.C. 208).

(4) After his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a)). See § 20.735-61 for more information about this prohibition.

(5) For two years after his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and which was actually pending

under his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(1)). This temporary restraint of course gives way to the permanent restraint described in paragraph (4) above if the matter is one in which he or she participated personally and substantially for the Government. See § 20.735-61 for more information about this prohibition.

(6) Receive any salary, or supplementation of his or her Government salary, from a private source as compensation for his or her services to the Government (18 U.S.C. 209).

(b) The criminal conflict of interest statutes summarized in paragraph (a) of this section also apply, in part, to special government employees. In general a special government employee may not: (1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Engage in any of the activities prohibited by the statutes described in paragraphs (a)(3) through (a)(5) of this section.

(c) In addition to the prohibitions that are generally applicable, the following statutory prohibitions are imposed on specific classes of employees or former employees. These prohibi-

tions apply to both regular and special government employees within the identified class.

(1) The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his or her office (43 U.S.C. 11). See § 20.735-24 for prohibitions on interests in Federal lands by employees of the Department generally.

(2) Neither the Director nor any member of the Bureau of Mines, in conducting inquiries and investigations authorized under 30 U.S.C. 1, 3, and 5 to 7 shall have any personal or private interest in any mine or the products of any mine under investigation, nor shall accept employment from any private party for services in the examination of any mine or private mineral property or issue any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6). See § 20.735-27 for prohibitions on ownership of mining interests by employees generally.

(3) The Director and members of the Geologic Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. Members of the Geological Survey are prohibited from holding any personal or private direct interests in lands whose title is in the United States. They are also prohibited from holding personal or private direct interests in the mineral wealth of such lands (43 U.S.C. 31(a)). These statutory restrictions are by this sentence, extended to the Director and all members of the Minerals Management Service. Refer to § 20.735-24 for prohibitions on interests in Federal lands and resources by employees of the Department generally.

(4) No person employed in Indian Affairs shall have any interest or concern in any trade with the Indians. See § 20.375-28 for prohibitions and exceptions concerning trade with Indians. Any person violating this prohibi-

tion shall be liable to a penalty of \$5,000, imprisoned not more than six months, or both and shall be removed from his or her office. (Sec. 1, Pub. L. 96-277, 94 Stat. 544.)

(5) No employee of the Office of Surface Mining Reclamation and Enforcement and no other federal employee who performs functions or duties under the Surface Mining Control and Reclamation Act shall have any direct or indirect financial interest in surface or underground coal mining operations (30 U.S.C. 1211(f)). Regulations implementing this prohibition are found in 30 CFR Part 706 and in § 20.735-26 of this part.

(6) For two years after his or her Government employment has ended, no former Senior Employee may assist, by personal appearance, in the representation of any other person (except the United States) in connection with an appearance before the Government on any particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially (18 U.S.C. 207(b)(ii)). For purpose of this prohibition and the prohibition in paragraph (c)(7) below, the term "Senior Employee" is defined in § 20.735-61(a)(5) and 5 CFR 737.25. See § 20.735-61 and 5 CFR Part 737 for more information on this prohibition.

(7) For one year after his or her Government employment has ended, no former Senior Employee of the Department of the Interior may represent himself or herself or anyone other than the United States in appearing before or attempting to influence the Department on a matter pending before or of substantial interest to, the Department (18 U.S.C. 207(c)). See § 20.735-61 and 5 CFR Part 737 for more information about this prohibition.

(8) An employee appointed to a grade GS-16 or higher non-judicial fulltime position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 1/ percent of his or her salary (Pub. L. 95-521, § 210, 92 Stat. 1850).

(d) No partner of a regular or special government employee of the Department may represent anyone other than the United States before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which such employee participates or has participated personally and substantially, or which is the subject of his or her official responsibility (18 U.S.C. 207(g)).

(Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.))

(46 FR 58425, Dec. 1, 1981; 47 FR 2998, Jan. 21, 1982, as amended at 47 FR 42360, Sept. 27, 1982; 47 FR 43380, Oct. 1, 1982; 48 FR 6732, Feb. 23, 1983)

§ 20.735-23 Outside work and interests.

(a) *Definitions.* (1) "Outside Work" means all gainful employment other than the performance of official duties, including, but not limited to, self-employment, working for another employer, the management or operation of a private business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(2) "Outside activity" means outside work, lectures, consultations, discussions, writings, appearances and other similar activities.

(3) "Active proprietary management" means an outside work business affiliation in which ownership is coupled with responsibility for day-to-day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

(b) *General policies and prohibitions.* (1) Outside work is permitted to the extent that it does not prevent a regular employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the department or create a conflict or apparent conflict between the private interests of a regular or special government employee and the employee's official responsibilities. A regular or special government employee's outside work shall not reflect discredit on the United States or the Department.

(2) Active proprietary management by a regular employee of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their ethics counselors before committing themselves to such activities.

(3) Outside work or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of a regular or special government employee is prohibited. Incompatible activities include but are not limited to: (i) Outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner; (ii) any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest. In this connection, it is not necessary that there be an actual conflict of interest before applying this policy. The fact that the general public could logically perceive a conflict of interest is sufficient for a determination that the work or activity be prohibited.

(c) *Specific regulatory prohibitions applicable to regular employees.* (1) A regular employee shall not perform outside work or outside activity which: (i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department.

(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use.

(iii) Involves the use of official information not available to the public.

(iv) Involves outside work of a sensitive nature for a person or enterprise that has or is seeking to obtain contractual or other business or financial relations with the employee's bureau.

(v) Involves outside work of a sensitive nature for a person or enterprise that conducts operations or activities that are regulated by the Department, or

(vi) Involves a person or enterprise that has interests that may be sub-

stantially affected by the performance or non-performance of the employee's official duties.

NOTE: "Sensitive nature" means a job the duties and responsibilities of which (i) require or authorize the individual to formulate, determine, or influence the policies of the organization or (ii) create a substantial appearance of conflict of interest with the employee's official government duties.

(2) While a regular employee is not prohibited from performing outside work or other outside activity solely because the work is of the same general nature as the work he or she performs for the Department such an employee may not perform outside work if: (i) The work that the employee would be expected to do is substantively the same as that required by his or her regular duties; or

(ii) The work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

(3) Regular Bureau of Land Management employees are prohibited from working as real estate agents and realty specialists and appraisers employed in Indian Affairs are prohibited from working as real estate agents or appraisers. Such employees, however are not required to cancel a real estate license, but, rather, may maintain the license on an inactive basis.

(4) A regular employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.

(5) A regular employee shall not be granted leave without pay to engage in outside work or other outside activity unless granting such leave is done in accordance with and in consideration of civil service rules and regulations governing leave without pay.

(d) Specific regulatory prohibitions applicable to special government employees. (1) A special government em-

ployee shall not perform outside work or outside activity which:

(i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department.

(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use.

(iii) Involves the use of official information not available to the public. or

(iv) Involves a person or enterprise that has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

(2) While a special government employee is not prohibited from performing outside work or other outside activity solely because the work is the same general nature as the work he or she performs for the Department, such an employee may not perform outside work if: (i) The work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

(3) A special government employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.

(e) Statutory restrictions related specifically to outside work and activity. (1) A regular employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This statute does not apply to a regular employee serving without compensation, nor does it prevent an employee from: (i) Continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit sharing, stock bonus or other employee welfare or benefit plan maintained by a former employer.

NOTE: Continued participation in stock options or profit sharing benefit plans main-

tained by a former employer may be prohibited by other statutory requirements, or

(1) Accepting contributions, awards, or other expenses under 5 U.S.C. 4111 as amended by Pub. L. 96-54, 93 Stat. 381; or

(2) Accepting payment by his or her former private employer of actual relocation expenses incident to participation in an executive exchange or fellowship program in the Department, provided that such program has been established by statute or Executive Order, offers appointments not to exceed 365 days, and permits no extensions in excess of 90 additional days.

(2) A regular or special Bureau of Mines employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration (30 U.S.C. 8).

(3) A regular or special Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration (43 U.S.C. 31(a)).

(4) An employee appointed to a grade GS-16 or higher non-judicial full-time position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 15 percent of his or her salary (Pub. L. 95-521, § 210, 92 Stat. 1850). See § 20.735-11 for more information on honorariums.

(f) **Exceptions.** This section does not preclude an employee from: (1) Participation in the activities of national or state political parties which are not otherwise prohibited by law. (See § 20.735-15)

(2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(g) **Notification requirements.** (1) Except for U.S. Mineral Surveyors, a regular or special government employee engaged in outside work shall report that work to his or her immediate supervisor if the work is to be per-

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formed frequently or on a standard-ized schedule.

(2) Each report shall contain: (1) A description of the outside work.

(2) An estimate of the number of hours per week spent engaged in the outside work, and

(3) A statement of the employee's opinion of any apparent or potential conflict of interest between the work and his or her official duties.

(3) Each report shall be reviewed by the employee's supervisor and a determination shall be made by the supervisor whether there is compliance with the prohibitions of this section and of §§ 20.735-6 and 20.735-22 of this part. Supervisors may seek the assistance of the appropriate ethics counselors in arriving at a determination. Reports revealing potential problems should be sent to the bureau deputy ethics counselor for review. Each bureau Deputy Ethics Counselor shall:

(1) Maintain a file of each report for the duration of an individual's employment with the Department or until the employee notifies the counselor or supervisor in writing that the outside work has ended.

(2) Take remedial action to correct any situations which violate the prohibitions in this section or in §§ 20.735-6 and 20.735-22 of this part.

(3) Requests for approval or guidance. (1) Bureaus may require employees to obtain approval to engage in outside work by issuing supplementary requirements.

(2) Employees who are uncertain about the propriety of a potential outside work or outside activity situation should seek guidance from their appropriate Ethics or Deputy Ethics Counselor prior to engaging in outside work or activity.

(46 FR 58425, Dec. 1, 1981, as amended at 47 FR 42361, Sept. 27, 1982)

§ 20.735-24 Interests in Federal lands

(a) **Definitions.** (1) "Federal lands" means lands or resources or an interest in lands or resources administered or controlled by the Department of the Interior, including, but not limited to, the Outer Continental Shelf.

(2) "Outer Continental Shelf" means all submerged lands lying seaward out-

side of the area of "lands beneath navigable waters" as defined in 43 U.S.C. 1301(a), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(3) "Direct interest in federal lands" means any employee ownership or part ownership in federal lands or any participation in the earnings therefrom, or the right to occupy or use the property or to take any benefits therefrom, based upon a contract, grant, lease, permit, easement, rental agreement, or application. Direct interest in federal lands also includes:

(i) Membership or outside employment in a business which has interests in federal lands, and

(ii) Ownership of stock or other securities in corporations determined by the Department to have an interest in federal lands directly or through a subsidiary.

(4) "Indirect interest in federal lands" means any ownership or part ownership of an interest in federal lands by an employee in the name of another where the employee still reaps the benefits. Indirect interest in federal lands also includes:

(i) Holdings in land, mineral rights, grazing rights or livestock which in any manner are connected with or involve the substantial use of the resources or facilities of the federal lands, or

(ii) Substantial holdings of a spouse or dependent child.

(b) **Prohibitions.** (1) The Director and members of the U.S. Geological Survey, Bureau of Land Management and of the Minerals Management Service are prohibited from:

(i) Voluntarily acquiring a direct or indirect interest in federal lands; or

(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department in their own name or in the name of their spouse, dependent child, or solely-owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735-24(e).

(2) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting direct-

ly to a Secretarial officer, who are in pay grades equivalent to GS-16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1), are prohibited from:

(i) Voluntarily acquiring a direct or indirect interest in federal lands,

(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method before or during employment by the Department. Refer to § 20.735-20(c) for the definition of Office of the Secretary and other Departmental Offices.

(3) All Department employees are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights in federal lands either in their own name or in the name of their spouse, dependent child, or solely-owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735-24(e). Also, employees, other than those identified in § 20.735-24(b) (1) and (2), may purchase or retain stocks or securities traded on the open market in companies having interests in federal lands, provided that such acquisition will not interfere or appear to interfere with the proper and impartial performance of their official duties.

(4) No employee whose duties are connected in any way with federal lands, may hold a direct or indirect financial interest in federal lands that conflicts substantially or appears to conflict substantially with his or her Government duties or responsibilities.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) **Exceptions.** (1) A Bureau of Land Management employee (or the spouse of a Bureau of Land Management employee) stationed in Alaska, may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in that state.

(2) Except for U.S. Mineral surveyors an individual employed on an intermittent or seasonal basis for a period not exceeding 180 working days in each calendar year, and a special government employee engaged in field work relating to land, range, fore, and mineral conservation and manage-

ment activities, and the spouse of such an individual shall not be precluded from retaining any interest, including renewal or continuation of existing rights, in federal lands, provided that such an individual shall not acquire any additional interest in federal lands during employment.

(3) An employee or any member of an employee's family may acquire wild free-roaming horses or burros from federal lands for maintenance and protection through a cooperative agreement entered into in accordance with 43 CFR 4740.3 and 4740.4-2.

(4) Nothing in this section shall prohibit the recreational or other personal and noncommercial use of the federal lands by an employee, the employee's spouse or dependent child, on the same terms as use of the federal lands is available to the general public.

(5) Employees in Indian Affairs are not prohibited by the provisions of this section from acquiring or retaining interests in federal lands controlled by the Department for the benefit of Indians and Alaska Natives provided such interests are otherwise legal.

(6) The prohibitions imposed on Minerals Management Service employees by § 20.735-24(b) are imposed by the Secretary through regulatory extension of the statutory provisions in 43 U.S.C. 31(a). Accordingly, the Secretary authorizes the Director, Minerals Management Service (LMS), to approve exceptions to this regulatory extension for individual LMS employees or for a class of LMS employees for cause. Exceptions granted by the Director for a class of employees shall be with the prior concurrence of the Designated Agency Ethics Official.

(e) Waivers. (1) The Designated Agency Ethics Official may approve the retention of an interest in federal lands for employees identified in § 20.735-24(b) when there is little or no relationship between the employee's functions or duties and the particular interest in federal lands and:

(i) The employee, or the spouse, or dependent child of the employee, acquired such an interest by gift, devise, bequest, or operation of law, or

(ii) The employee, or the spouse, or dependent child of the employee, ac-

quired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, or

(iv) The employee, or the spouse or dependent child of the employee acquired such an interest through a pre-existing trust or inherited trust (not established by themselves) provided, the employee has no control over its management or assets.

(2) No waiver is needed for holding an interest consistent with paragraph (d) of this section.

(3) Each request for waiver must consist of: (i) A written request submitted to the Designated Agency Ethics Official within 90 days from the effective date of these regulations, within 60 days of employment by the Department or within 60 days of being notified that the holding in federal lands is a prohibited holding.

(ii) A full and complete disclosure of the interest in federal lands.

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required).

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interests of the Department.

(4) Waivers for U.S. Geological Survey and Bureau of Land Management employees shall not be permitted where retention of the interest violates 43 U.S.C. 31(a) or 43 U.S.C. 11, respectively.

(f) Advisory councils. Nothing contained in this section shall disqualify individuals appointed pursuant to the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1739, as members of advisory boards or councils from acquiring or retaining grazing licenses or permits issued pursuant to Section 3 of the Taylor Grazing Act (43 U.S.C. 318b), or any other interest in land or resources administered by the Bureau of Land Management. Provided, that in no case shall the

member of any such board or council participate in any advice or recommendation concerning such license or permit in which such member is directly or indirectly interested.

(g) *Requests for advice.* When an employee is in doubt as to whether the acquisition or retention of any interest in lands or resources administered by the Department would violate the provisions of this section, a statement of the facts should be submitted promptly by the individual involved to his or her Ethics Counselor for transmittal to the Designated Agency Ethics Official for guidance.

(46 FR 58425, Dec. 1, 1981; 47 FR 2995, Jan. 21, 1982, as amended at 47 FR 42361, Sept. 27, 1982; 49 FR 6375, Feb. 21, 1984; 49 FR 18098, Apr. 27, 1984)

§ 20.735-26 Interests in underground or surface coal mining operations.

(a) *Definitions.* (1) "Direct financial interest in underground or surface coal mining operations" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests also include employment, pensions, creditor, real property and other financial relationships.

(2) "Indirect financial interest in underground or surface coal mining operations" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests including interests held by his or her spouse, dependent child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, dependent children or other resident relatives hold a financial interest.

Refer to Note in § 20.735-21(b)(4) for examples of the kinds of interests that are not covered.

(3) "Coal mining operation" means the business of developing, producing,

preparing or loading bituminous coal, subbituminous coal, anthracite or lignite or of reclaiming the areas upon which such activities occur.

(4) "Performing any function or duty under the Surface Mining Control and Reclamation Act of 1977" means those decisions or actions, which if performed or not performed by an employee, affect the programs under that Act.

(b) *Prohibitions.* (1) Neither the Director nor any member of the Office of Surface Mining Reclamation and Enforcement shall have a direct or indirect financial interest in underground or surface coal mining operations. The Assistant Secretary—Energy and Minerals, her or his staff, and no other employee performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1200 et seq.) shall have a direct or indirect financial interest in underground or surface coal mining operations. Section 201(f) of the Act provides that anyone who knowingly violates these prohibitions shall, upon conviction, be punished by a fine of not more than \$2,500, or by imprisonment for not more than one year, or both.

(2) No other employee whose duties are connected in any way with coal mining activities may hold a direct or indirect financial interest in underground or surface coal mining operations or in mining enterprises conducting coal mining activities, when that financial interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities (Executive Order 11222).

(c) The prohibitions of this section apply to both regular and special government employees.

(d) Employees are encouraged to review regulations contained in 30 CFR Part 706 which pertain to the prohibitions of this section.

§ 20.735-27 Interests in mining activities.

(a) *Definitions.* (1) "Direct interest in mining activities" means any employee ownership or part ownership in mining activities or any participation in the earnings therefrom, or the right

to take any benefits therefrom based upon a contract, grant, lease, permit, easement, rental agreement, or application. Direct interest in mining activities includes:

(1) Membership or outside employment in a firm which has interests in mining activities, and

(2) Ownership of stock or other securities in a corporation which has interests in mining activities directly or through a subsidiary.

(2) "Indirect interest in mining activities" means any ownership or part ownership of an interest in mining activities by an employee in the name of another where the employee still reaps the benefits. An indirect interest in mining activities also includes:

(1) Holdings in land, mineral rights, or other rights which in any manner are connected with mining activities, and

(2) Substantial holdings of a spouse or dependent child.

Refer to Note § 20.735-21(b)(4) for examples of the kinds of interests that are not covered.

(3) "Mining activities" means any mining operations which: (1) Involve exploration, development, or extraction of oil, gas, coal or other minerals, or reclamation of lands after extraction, and

(2) Are or will be affected by programs, policies, research or other actions initiated by this Department.

(4) "Investigation" means inquiries, scientific and technological research, tests and other activities conducted under provisions in 30 U.S.C. 1, 3, and 5 to 7.

(5) "Mine or products of any mine" means the specific mine or products of the specific mine under investigation and does not include other mines or the products of other mines owned by a company or other entity that are not under investigation.

(6) "Inside information" means Government information that is not available to members of the public upon request or through libraries.

(7) "Private mining enterprise" means any business organization involved in mining activities.

(b) **Prohibitions.** (1) Neither the Director nor any member of the Bureau of Mines shall: (1) Have any personal

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or private interest in any mine or the products of any mine under investigation:

(ii) Accept employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issue any report as to the valuation or the management of any mine or other private mineral property; or

(iv) Use inside information obtained in the collection of mineral or energy resources statistics for private gain.

(2) Neither the Director nor any member of the Geological Survey shall hold substantial personal or private interests, direct or indirect, in any private mining activities in the United States. The Director of Geological Survey may authorize exceptions to this restriction for cause on an individual basis.

(3) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS-16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1), are prohibited from: (i) Having any personal or private interest in any mine or the products of any mine under investigation by Bureau of Mines employees;

(ii) Accepting employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issuing any report as to the valuation or the management of any mine or other private mineral property; and

(iv) Using inside information obtained in the collection of mineral or energy resources statistics for private gain.

See § 20.735-20(c) for the definition of Office of the Secretary and other Departmental Offices.

(4) No employee whose duties are connected in any way with mining activities may hold a direct or indirect interest in a mining activity or in a mining enterprise conducting mining activities when that interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) The Bureau of Mines may temporarily employ in a consulting capacity or in the investigation of special subjects, any engineer or other expert whose principal professional practice is outside of employment by the Bureau of Mines as permitted in 30 U.S.C. 8.

(e) **Waivers.** (1) The Designated Agency Ethics Official may approve the retention of an interest in mining activities for employees identified in § 20.735-27(b) when there is little or no relationship between the employees functions or duties and the particular interest in mining activities, and:

(i) The employee or the spouse, or dependent child of the employee acquired such an interest by gift, devise, bequest, or by operation of law, or

(ii) The employee or the spouse, or dependent child of the employee, acquired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, or

(iv) The employee or the spouse or dependent child of the employee acquired such an interest through a pre-existing trust or inherited trust (not established by themselves) provided, the employee has no control over its management or assets.

(2) Each request for waiver must consist of: (i) A written request submitted to the Designated Agency Ethics Official within 90 days from the effective date of these regulations, within 60 days of employment by the Department or within 60 days of being notified that the holding in mining activities is a prohibited holding.

(ii) A full and complete disclosure of the interest in mining activities.

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required).

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interest of the Department.

(3) Waivers shall not be applicable to cases where retention of the interest violates a statutory prohibition.

(46 FR 58425, Dec. 1, 1981; 47 FR 2995, Jan. 21, 1982, as amended at 47 FR 42361, Sept. 27, 1982)

§ 20.735-28 Interests in trading with Indians.

(a) **Definitions.** For the purposes of this section,

(1) "Trade" means buying, selling, or bartering services, commodities or property with or without the use of money; and

(2) "Indian" means any member of an Indian tribe recognized as eligible for the services provided by the Bureau of Indian Affairs who is residing on a Federal Indian Reservation, on land held in trust by the United States for Indians, or on land subject to a restriction against alienation imposed by the United States. The term shall also include any such tribe and any Indian owned or controlled organization located on such a reservation or land.

(b) **Prohibitions.** No employee in Indian Affairs shall: (1) Have (other than as a lawful representative of the United States) any interest, in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest—

(i) In any contract made or under negotiation with any Indian, for the purchase, transportation, or delivery of goods or supplies for any Indian, or

(ii) In any purchase or sale of any service of real or personal property (or any interest therein) from or to any Indian, or colludes with any person attempting to obtain any such contract, purchase, or sale.

(2) Make any purchase from or sale to an Indian of any real or personal property (or any interest therein) for the purpose of commercially selling, reselling, trading, or bartering such property; or

(3) Have any interest in any purchase or sale involving property or

funds which are either held in trust by the United States for Indians or which are purchased, sold, utilized, or received in connection with a contract or grant to an Indian from the Bureau of Indian Affairs or the Indian Health Service. If such officer, employee, or agent is employed in the office or installation of such Bureau or Service which recommends, approves, executes, or administers such transaction, grant, or contract on behalf of the United States except as authorized by 18 U.S.C. 437(b)(2)(B), as amended by sec. 1, Pub. L. 96-277, 94 Stat. 544.

(4) Acquire any interest in property held in trust, or subject to restriction against alienation imposed, by the United States unless the conveyance or granting of such interest in such property is otherwise authorized by law.

(c) *Extension of the prohibitions.* (1) The prohibitions in § 20.735-28(b) shall apply to the Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS-16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1). See § 20.735-20(c) for the definition of Office of the Secretary and other Departmental Offices.

(2) The Designated Agency Ethics Official may grant a waiver to such employees when denial of the right to trade with Indians will work a hardship upon the employee, and for other good cause.

(d) The prohibitions of this section apply to both regular and special government employees covered by § 20.735-28(b) and (c).

(e) *Exceptions.* (1) Nothing contained in this section shall be construed as preventing any employee in Indian Affairs who is an Indian, of whatever degree of Indian blood, from obtaining or receiving any benefit or benefits made available to Indians generally or to any member of his or her particular tribe, under any Act of Congress, nor to prevent any such employee who is an Indian from being a member of or receiving benefits by reason of his or her membership in any Indian tribe, corporation, or cooperative association organized by Indi-

ans, when authorized under such rules and regulations as the Secretary or his designee shall prescribe.

(2) Employees in Indian Affairs, the Office of the Secretary and Other Departmental Offices may be permitted to trade with Indians or Indian organizations under rules or regulations prescribed by the President or his designee.

(f) *Penalties.* In addition to divestiture or disciplinary action, any person employed in Indian Affairs who violates the prohibitions contained in § 20.735-28(b) shall be liable to a penalty of \$5,000 or imprisoned not more than six months or both, and shall be removed from his or her office notwithstanding any other provision of law concerning termination from Federal employment.

[46 FR 58425, Dec. 1, 1981; 47 FR 2996, Jan. 21, 1982]

§ 20.735-29 Indian and Alaska Native organizations.

(a) *Definition.* The term "representative" means the occupant of an elective or other position in official governing body of the tribe, band, pueblo or corporation, or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(b) *General restrictions.* Under the authority granted by 25 U.S.C. 472, the Secretary has determined that Indian and Alaska Native employees, whether regular or special government employees, are subject to the provisions of this part.

(c) *Interest in tribal affairs.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs, are members of federally-recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. By law and policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and the Bureau is continually pursuing the policy of Indian Self-determination. In recognition of these

factors, membership in an Indian tribe, band or pueblo which receives services from Interior, or ownership of interests in an Indian corporation established under the Indian Reorganization Act or Alaska Native corporation established under the Alaska Native Claims Settlement Act, shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) No person employed in Indian Affairs may hold a position on a tribal election board or on a tribal school board which oversees Bureau of Indian Affairs schools. Except for membership on a tribal election board and a tribal school board which oversees Bureau schools, an eligible person employed in Indian Affairs may, with the approval of the Deputy Assistant Secretary—Indian Affairs, become a candidate for office in his or her local tribe or may be appointed as a representative of his or her local tribe, if in the Deputy Assistant Secretary's judgment no real or apparent conflict of interest is created. See § 20.735-21(b) for definitions of real and apparent conflict of interest. Requests will be handled on a case-by-case basis and, if approved, will require that such duties be carried out while on:

- (i) Off duty hours.
- (ii) Leave without pay.
- (iii) Administrative leave, or
- (iv) An Intergovernmental Personnel Act assignment.

If service is provided to a tribe or Alaska Native Corporation in accordance with these special conditions, the employee may not thereafter, if the tribal organization with which he or she served is within the jurisdiction or area of responsibility of the office to which the employee is assigned, participate in his or her governmental capacity in a decision or recommendation involving a particular matter in which he or she participated while serving the tribal organization. It is the duty of the employee to identify to his or her supervisor the extent of participation in tribal matters and to

request, when appropriate, to be relieved from acting on such matters in his governmental capacity.

(2) An Indian or Alaska Native may hold in the Bureau of Indian Affairs a policy or decisionmaking position as defined in the Bureau of Indian Affairs Manual Part 735, on his or her home reservation, Area Office, or in the Central Office, with approval of the Deputy Assistant Secretary—Indian Affairs when the following conditions are met:

(i) During tenure the employee does not lease land more than \$500 in value per year from the tribe or Alaska Native corporation for his or her personal benefit. The Deputy Assistant Secretary—Indian Affairs may authorize exceptions from the \$500 limitation on an individual basis for cause;

(ii) There is divestiture of any tribal financial interest (as well as any personal outside financial interest) that creates an apparent or actual conflict situation, unless such divestiture is precluded by law or the Deputy Assistant Secretary—Indian Affairs determines that factors, such as, but not limited to, tribal custom or severe financial hardship, provide a basis for authorizing an individual exception;

(iii) Acquisition of Indian lands is limited to five (5) acres or less during tenure in office and may be further restricted to no acquisition of Indian lands if the employee presently holds any Indian lands;

(iv) Acquisition of any loans or grants through the tribal governing body is prohibited during tenure in office by the employee, spouse, dependent children or other relatives residing in the employee's home. As an exception, loans or grants are not prohibited for Higher Education and Adult Vocational Training programs;

(v) Any personal indebtedness to the tribal governing body is settled in full prior to appointment. The Appointing Office may grant extensions not to exceed 90 days after appointment; and

(vi) Any other specific conflict is satisfactorily resolved.

(3) An Indian or Alaska Native employee shall not make nor participate in a substantial manner in any decision of the Department if he or she has a private direct interest, as defined

In § 20.735-21, in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a direct private interest.

(4) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department, except employees or consultants who are members of boards or other organizations which have as a principal purpose consultation with the Department related to Indians and Alaska Natives.

(d) *Special conditions for Bureau of Indian Affairs employees.* Approval may not be granted to Bureau of Indian Affairs employees to serve in a key decisionmaking role at their home agency or area office if a close relative or family member holds an elected position with any tribe under the jurisdiction of the home agency or area office. For the purpose of this condition, family members are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Subpart D—Financial Reporting Requirements

§ 20.735-30 Executive order filing requirements.

(a) *General information.* By provisions contained in Executive Order 11222 and implementing Office of Personnel Management regulations in 5 CFR 735.401, the Department has a responsibility to obtain financial interest statements from certain employees, to review those statements and to determine if, on the basis of the information provided, there is a conflict or an apparent conflict of interest with an individual's official duties. Any employee required to file any statement

of employment and financial interests under this subpart shall be given an opportunity for review through the Department's appeal procedures (§ 20.735-43) as to whether his or her position has been properly designated as one to which the filing requirement attaches.

(b) *Who shall file.* (1) All regular employees who occupy a position designated as GS (or GM)-15.

(2) Presidential Interchange Executives and other employees on loan to the Department from industry or other non-government agencies.

(3) Special Government employees as provided in Subpart F of this part.

(4) Regular employees on temporary assignment or detail to the Department or within the Department.

(i) In some instances, temporary assignments or details will involve employees in policy or decisionmaking situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in Appendix C to these regulations, or because the bureau head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for interests which conflict or might conflict with the employee's new duties. Each bureau is responsible for implementing this paragraph.

(iii) Employees assigned or detailed for 30 days or less are exempt from the filing requirement.

(5) Each regular employee whose position is listed in Appendix C to this part. The head of each bureau will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Designated Agency Ethics Official by no later than October 31 of each year. The Secretary

may revise Appendix C by the addition or deletion of positions at any time he or she determines such revisions are required to carry out the purpose of statute, the Executive Order, Office of Personnel Management regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents. Appendix C shall be submitted annually for publication within the Department. Copies of Appendix C shall be available from the Designated Agency Ethics Official. Positions shall be included in Appendix C pursuant to the following criteria: (i) Positions designated as GS (or GM)-13 or GS (or GM)-14 (or comparable pay level) with duties and responsibilities which require making a Government decision or taking a Government action which could result in a direct conflict of interest. Examples (not all-inclusive) of such duties are:

(A) Contracting and procurement.
 (B) Administering or monitoring grants, loans or subsidies.
 (C) Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.
 (D) Regulating, auditing, or inspecting a private or other non-Federal enterprise.

(E) Recommending policy for private or other non-Federal enterprise.

(F) Sitting on special committees that may influence policies on a private or other non-Federal enterprise.

(G) Appraising or acquiring real estate for the Government.

(H) Enforcing Federal laws.

(I) Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(ii) Positions designated as GS (or GM)-13 or GS (or GM)-14 (or comparable pay level) with the duties and responsibilities which may result in actions that create an apparent conflict of interest. Examples (not all-inclusive) of such duties are:

(A) Participation in the decisionmaking process on matters that may affect a private or other non-Federal enterprise.

(B) Planning or developing activities that may affect a private or other non-Federal enterprise.

(C) Reviewing results of program operations or administration.

(D) Meeting with public media personnel or preparing and disseminating public information.

(E) Supervising others who must file employment and financial interest statements.

(F) Analyzing or reviewing economic data relating to or of potential value to a non-Federal enterprise.

(G) Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(iii) Positions classified at GS-12 or below which have the approval of the Office of Personnel Management and meet one or more of the following criteria:

(A) Have duties similar to those of a GS (or GM)-13 in the same occupation and in those areas of responsibility where a significant potential for conflict of interest exists.

(B) Require a minimum of supervision either because the nature of the job is similar to a GS or GM-13 or because of remote location in performing such a job.

(C) Involve the making of Government decision that directly affects the economic interests of any private or other non-Federal enterprise.

(D) Provide the opportunity to influence Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(c) When to file. Ethics Counselors or appropriate personnel officials shall notify each employee covered by this section and furnish the necessary form or forms to the employee at the time of his or her entrance on duty and by December 15 of each year.

(1) By no later than February 1 of each year showing holdings and interests for the prior calendar year;

(2) Within thirty days after notification that some recent action on his or her position now requires the submission of a statement;

(3) At the time of entrance on duty if a new employee. Persons transfer-

ring between bureaus will be treated as new employees.

(4) Nothing in these regulations shall prevent a potential employee from voluntarily filing a financial interest statement in order to determine if their financial interests will create a conflict of interest with the job they are seeking. Statements voluntarily filed before entrance on duty shall be reviewed immediately, shall not be copied and shall be returned to the potential employee within 1 week.

(d) *What to report.* An employee required to report under the Executive Order shall file a statement listing:

(1) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational institutions in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have:

(i) A continuing financial interest through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(ii) Any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts;

(2) Interests in real property or rights in lands in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have an interest, other than property which the employee occupies as a personal residence;

(3) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant;

(4) The names of the employee's creditors, other than those to whom the employee is indebted by reason of a mortgage on property which is occupied as his or her personal residence or to whom he or she is indebted for current and ordinary household and living expenses; and

(5) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans.

(e) *What not to report.* An employee is not required to report any connection with, or interest in:

(1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(f) *Access to Executive Order Statements.* Each statement of employment and financial interests filed pursuant to Executive Order 11222 is a confidential document and shall be held in confidence and marked "For Official Use Only". The statement shall be transmitted in a special attention envelope so marked by the employee to the ethics counselor designated in paragraph (d) of this section.

(1) Ethics counselors shall maintain statements in strict confidence. Statements shall be kept in locked filing cabinets in locked offices. A privacy act warning notice shall be displayed in the office where statements are filed.

(2) Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities under law.

(3) Confidential statements of employment and financial interests will be retained by the ethics counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be

notified when the review has been completed.

(g) **Penalty.** An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735-4.

(h) **Retention and disposal of statements.** All statements shall be destroyed two years after an employee leaves a position in which a statement is required.

[46 FR 58425, Dec. 1, 1981; 47 FR 2996, Jan. 21, 1982, as amended at 49 FR 6376, Feb. 21, 1984]

§ 20.735-31 Ethics in Government Act filing requirements.

(a) **General information and definitions.** Title II of the Ethics in Government Act of 1978, Pub. L. 95-521, 92 Stat. 1824, as amended, sets forth new public financial disclosure filing requirements for certain Executive Branch personnel, and new requirements for making reports available to the public. This section supplements and summarizes portions of the regulations issued by the Office of Government Ethics to implement the financial reporting requirements in Title II of the Ethics in Government Act. See 5 CFR Part 734.

(1) "Designated agency official" means the Designated Agency Ethics Official.

(2) "Income" means gross income from whatever source derived and includes items whether or not taxable for Federal income tax purposes, such as interest on municipal bonds.

(3) "Reporting individual" means those individuals obliged to file the public financial disclosure information required by Title II of the Ethics in Government Act of 1978. Such individuals are identified in § 20.735-31(b).

(4) "Relative" is defined in § 20.735-21(b)(6).

(5) "Gift" means a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, but does not include:

(i) Bequest and other forms of inheritance;

(ii) Suitable mementos of a function honoring the reporting individual;

(iii) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

(iv) Food and beverages consumed at banquets, receptions, or similar events; or

(v) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.

(6) "Honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(7) "Dependent child" is defined in § 20.735-1(a)(14).

(8) "Personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family, or on property or facilities owned or rented by that individual or his family.

(9) "Personal residence" is defined in § 20.735-1(a)(15).

(10) "Value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. In the case of any interest in property, such estimation shall be made in accordance with the principles of 5 CFR 734.303(a).

(11) "Reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are:

(i) Provided by the United States Government;

(ii) Required to be reported by the reporting individual under 5 U.S.C. 7342; or

(iii) Required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).

(b) Who shall file. (1) Each employee of the Department whose position is classified at GS-16 or above of the General Schedule or whose rate of basic pay is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16 (Step 1).

(2) Each employee appointed to an Administrative Law Judge position pursuant to 5 U.S.C. 3105.

(3) Each employee, regardless of grade or pay level, who is in a position in the Department which is excepted from the competitive service by reason of being of a confidential or policy-making character.

(i) An exclusion is available for a person in any such position classified below GS-16 (or at a rate of basic pay which is less than the minimum rate of basic pay fixed for GS-16) who has no role in advising or making policy determinations with respect to agency programs or policies. Such persons may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criteria.

(ii) The exclusion of any person pursuant to this subparagraph will be effective as of the time the Designated Agency Ethics Official files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. The exclusion applies for one year.

(!!!) Such a list shall be updated annually and sent by Bureau Ethics Counselors to the Designated Agency Ethics Official by October 31 of each year. In the event that the Office of Government Ethics finds that one or more positions has been improperly excluded, it will so advise the Designated Agency Ethics Official and set a date for the filing of the report.

(4) The Designated Agency Ethics Official and the Deputy Agency Ethics Official.

(5) Each employee in any other position determined by the Director of the

Office of Government Ethics to be of equal classification to GS-16.

(6) The filing provisions shall not apply to an individual who, as determined by the Director, Office of Government Ethics, is not reasonably expected to perform the duties of his or her office or position for more than 60 days in a calendar year, except that if such individual performs the duties of his or her office or position for more than 60 days in a calendar year:

(i) The SF-278 report shall be filed within fifteen calendar days after the sixty-first day of such performance, and

(ii) The SF-278 report shall be filed as provided in § 20.735-31(c)(3).

(7) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement for an individual who is expected to perform or has performed the duties of his or her office or position less than 130 days in a calendar year, but only if the Director determines that:

(i) Such individual is not a full time employee.

(ii) Such individual is able to provide services specially needed by the Government.

(iii) It is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(iv) Public financial disclosure by such individual is not necessary in the circumstances.

The procedures for requesting such a waiver appear in 5 CFR 734.205(b).

(c) When to file. (1) Within thirty days of assuming a position as described in § 20.735-31(b), an individual shall file a Standard Form 278 unless the individual has left another position described in § 20.735-31(b) within thirty days prior to assuming such new position or unless the individual has already filed a Standard Form 278 in connection with a nomination for a new position.

(2) Within five days of the transmission by the President to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual shall file the

required report in accordance with instructions received from the Executive Office of the President. Each report so filed, shall be reviewed by the Designated Agency Ethics Official who shall sign approval or comment on the contents of the form before it is forwarded to the Office of Government Ethics. Nothing in these regulations shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(3) On February 1 of each year each employee described in § 20.735-31(b) shall file on Standard Form 278 an annual report disclosing information for the previous calendar year.

(i) The Designated Agency Ethics Official may grant an extension of time not to exceed May 15 for filing the annual SF-278 form. Extensions will be granted to allow affected individuals to obtain necessary tax, trust or investment information that is needed to complete the annual report or to make allowances for pending termination from employment.

(ii) Requests for extension shall be in writing to the Designated Agency Ethics Official and shall be submitted by January 25.

(4) On or before the thirtieth day after termination of his or her employment from a position described in § 20.735-31(b), the employee who occupied the position shall file a Standard Form 278 termination report if: (i) The SF-278 report required by § 20.735-31(c)(3) has not been filed covering the portion of the calendar year in which such termination occurs up to the date he or she leaves such office or position, or

(ii) He or she does not enter employment in another covered position within 30 days after termination.

EXAMPLE 1: A covered individual files the annual report on February 1 and resigns on February 28 that same year. An SF-278 termination report is required. The annual SF-278 report will contain information for the prior calendar year and the termination report will contain information for the first two months of the year of resignation. In this example, a separate termination SF-278 report may be avoided by requesting an extension in time for the annual filing and

preparing the annual report to disclose the termination and the necessary report information for the prior 14 months (the preceding year and January and February of the current year).

EXAMPLE 2: An individual files the annual report on February 1 and resigns March 15 that same year to accept a GS-16 position in another agency. No termination SF-278 report is necessary if the individual enters the covered position within 30 days after terminating.

(d) Where to file. (1) Employees assuming or terminating from a covered position shall file the required report with their Bureau Ethics Counselor.

(2) Bureau heads assuming a position that does not require Congressional confirmation shall file with the Designated Agency Ethics Official.

(3) Bureau and office heads and other individuals nominated to a position, appointment to which requires the advice and consent to the Senate, shall file the required report in accordance with instructions received from the Executive Office of the President.

(4) Annual reports shall be filed in the same manner as provided for in § 20.735-30(d) for form DI-212 (Confidential Statement of Employment and Financial Interests).

(5) Bureau Ethics Counselors shall review each report and transmit it to the Designated Agency Ethics Official in accordance with the procedures in § 20.735-31(g).

(e) What to report. This paragraph identifies general categories of information that must be reported by covered employees. Specific details of reporting, including exceptions, are set forth in 5 CFR Part 734 and in instructions contained in the Standard Form 278 issued by the Office of Personnel Management for use by individuals who are required to file by the Ethics in Government Act of 1978. In summary, each report filed to meet the Ethics in Government Act of 1978 requirements shall include a full and complete statement with respect to the following general categories:

(1) Income. Employees shall list income, including honorariums which exceed \$100 in value, from whatever source other than from employment by the United States.

(2) *Gifts and reimbursements.* Employees shall provide the source, a brief description and the value of:

(i) Lodging, transportation, food and entertainment which from each source totals \$250 or more in value.

(ii) All other gifts which from each source totals \$100 or more in value, and

(iii) Reimbursements which from each source totals \$250 or more in amount or value.

(3) *Real and personal property.* Employees shall list any interests and assets held in a trade or business or for investment or the production of income which has a fair market value in excess of \$1,000 as of the close of such preceding calendar year.

(4) *Liabilities.* Employees shall list any liabilities owed to any creditor, other than a relative, which exceeded \$10,000, unless such liabilities are certified by the reporting employee as being solely the responsibility of his or her spouse or dependent child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, assets, or activities, and concerning which he or she neither derives nor expects to derive any financial or economic benefit.

(5) *Purchase, sale and exchange of property.* Employees shall report any purchase, sale or exchange of real property, stocks, bonds, commodities futures and other forms of securities where the property value exceeds \$1,000 unless such purchases, sales or exchanges are certified by the reporting employee as being solely the responsibility of his or her spouse or dependent child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, assets, or activities, and concerning which he or she neither derives nor expects to derive any financial or economic benefit.

(6) *Positions held.* New employees and candidates to appointed positions shall report all positions held during the preceding two calendar years and the current calendar year at any time until the date of filing. Incumbent employees shall report all positions held at any time during the current calendar year until the date of filing. In all cases the reporting individual shall list any position currently held as an officer, director, trustee, partner, proprietor, representative, employee or consultant of (i) any corporation, company, firm, partnership, or other business enterprise, (ii) any non-profit organization, (iii) any labor organization, (iv) any educational institution, or (v) any institution other than the United States Government.

dar year until the date of filing. In all cases the reporting individual shall list any position currently held as an officer, director, trustee, partner, proprietor, representative, employee or consultant of (i) any corporation, company, firm, partnership, or other business enterprise, (ii) any non-profit organization, (iii) any labor organization, (iv) any educational institution, or (v) any institution other than the United States Government.

(7) *Compensation in excess of \$5,000 paid by one source.* On the first report filed to meet provisions of the Ethics in Government Act of 1978, each covered employee shall identify the source and briefly describe the nature of the duties performed or services rendered for any person, other than the United States Government, from whom they received compensation in excess of \$5,000 in any of the two preceding calendar years.

(8) *Relationships with other employers.* Employees shall list the date, parties to, and terms of any agreement or arrangement which they have with respect to: future employment, a leave of absence during the period of Government service, continuation of payments by a former employer other than the United States Government, or continuing participation in an employee welfare or benefit plan maintained by a former employer.

(9) *Additional information.* Employees are required to answer two additional questions: (i) Whether there are any interests in property or liabilities of a spouse or dependent child which the employee has not reported but which would be reportable, if held by him or her; and

(ii) Whether the employee, his or her spouse, or dependent child receives income from or has a beneficial interest in a trust.

(f) *What not to report.* This paragraph identifies general categories of information that are exempt from the reporting requirements. Specific details of exemptions are set forth in instructions contained in the Standard Form 278. General exemptions are shown for each of the following reporting categories.

(1) *Income.* Employees are not required to report:

(i) The amount of earned income received by a spouse, or

(ii) Income from current employment by the United States Government.

(2) *Gifts and reimbursements.* Employees are not required to report gifts: (i) Of \$35 or less in value per individual item (gifts of more than \$35 in value must be aggregated in the total of gifts from one source).

(ii) From a relative, or

(iii) Of food, lodging or entertainment received as personal hospitality.

(3) *Real and personal property.* Employees are not required to report:

(i) Assets derived from a personal liability owed to them by a relative;

(ii) Deposits in personal savings accounts in a single financial institution if the total of all family accounts (employee's, spouse's and children's) in that institution is \$5,000 or less; or

(iii) Personal property not held for business, investment or the production of income. (Examples include household goods, non-interest bearing checking accounts, automobiles, paintings, jewelry, and life insurance policies. However, if an individual is in the business of buying and selling any such items for profit, their category of value must be disclosed.)

(4) *Liabilities.* Employees are not required to report:

(i) Liabilities owed a relative;

(ii) A mortgage on the personal residence of oneself or spouse; or

(iii) A loan which is secured by and does not exceed the purchase price of a personal motor vehicle, household furniture or appliance.

(5) *Purchase, sale and exchange of property.* Employees are not required to report:

(i) Transactions involving the personal residence of oneself or one's spouse.

(ii) Transactions solely between oneself, one's spouse or one's dependent children.

(6) *Positions held.* Employees are not required to report positions:

(i) In religious, social, fraternal, or political entities;

(ii) Of solely an honorary nature, or

(iii) Being held by a spouse or dependent child.

(7) Compensation in excess of \$5,000 paid by one source. Employees may exclude information:

(i) That is considered confidential as a result of a privileged relationship established by law;

(ii) About persons for whom services were provided by a firm or an association of which an employee was a member, partner or employee unless he or she was directly involved in the provision of the services; and

(iii) Relating to a spouse or dependent child.

(8) *Relationships with other employers.* Employees are not required to report information relating to a spouse or dependent child.

(g) *Administrative procedures—(1) Review and analysis of statements.* Each financial disclosure report filed to meet the provisions of the Ethics in Government Act of 1978 shall be reviewed by the appropriate ethics counselor or deputy ethics counselor. Review and analysis of the statements shall be pursuant to the general provisions in § 20.735-37. In addition, each ethics counselor shall:

(i) Inform affected employees of the filing requirement and obtain the required report;

(ii) Attach a position description or other description of the position duties and responsibilities to the report;

(iii) Determine which, if any, conflict of interest prohibitions in addition to Executive Order 11222 prohibitions apply to each position (e.g. organic act prohibitions);

(iv) Review the report for completeness and determine if any information disclosed reveals any conflict or appearance of conflict of interest in connection with applicable prohibitions;

(v) Prepare for each report a statement to the Designated Agency Ethics Official indicating review findings and recommending approval or, with reasons, disapproval of each report;

(vi) Send the report, position description and statement of findings and recommendation to the Designated Agency Ethics Official for review, signature and filing within 15 days after the report is received;

(vii) Take action to resolve informally any potential conflicts, actual con-

licts or apparent conflicts that exist; and

(viii) Have the Ethics Counselor take remedial action if informal resolution fails.

(2) Each report required by the Ethics in Government Act must be reviewed and signed by the Designated Agency Ethics Official or designee.

(3) Annual or other reports pertinent to the Ethics in Government Act of 1978 and required by the Director, Office of Government Ethics, or Congress shall be prepared by the Designated Agency Ethics Official or designee.

(4) The Comptroller General, the Office of Inspector General, and the Director, Office of Government Ethics, shall have access to financial disclosure reports filed under the Ethics in Government Act for the purpose of carrying out their statutory responsibilities.

(h) *Public access to and fees for copying statements.* (1) Standard Forms 278 shall be available to the public for review or copying at the Department Ethics Office, 18th and C Streets, NW., Washington, D.C. 20240, within 15 days after any report is received.

(2) No report shall be available to any person, except upon his or her written application stating his or her name, occupation and address, the name and address of any other person or organization on whose behalf the report is requested, and showing that he or she is aware of the prohibitions on improper use. It is unlawful for any person to obtain or use a report—

(i) For any unlawful purpose;

(ii) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(iii) For determining or establishing the credit rating of any individual; or

(iv) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(3) Each application for a report shall itself be made available to the public throughout the period during which the report requested by that application is made available to the public.

(4) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to these regulations.

(i) *Penalties—(1) Filing reports.* (i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 202 of the Ethics in Government Act of 1978. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000. Knowing or willful falsification of information required to be filed by section 202 of the Act may also subject such individual to criminal prosecution under 18 U.S.C. 1001, leading to a fine of not more than \$10,000 or imprisonment for not more than five years or both. The Designated Agency Ethics Official shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Such referrals will be coordinated with the Solicitor and with the Office of Inspector General.

(ii) In addition, the Secretary may take any appropriate personnel or other action against any individual for failing to file a report or for falsifying or failing to report information required to be reported. (See § 20.735-4.)

(2) *Inspecting or copying reports.* The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose as set forth in § 20.735-31(h)(2). The court may assess against such a person a penalty in any amount not to exceed \$5,000. Such remedy shall be in addition to any other remedy available under law.

(j) *Retention and disposal of financial reports.* (1) Financial Disclosure Reports filed in accordance with the provisions of this section shall be retained by the Designated Agency Ethics Official. Such reports shall be made available to the public for a period of six years after receipt of the

report. After the six-year period, reports shall be destroyed unless needed in an ongoing investigation.

(2) Financial Disclosure Reports filed by individuals nominated to positions requiring Senate confirmation and who were not subsequently confirmed shall be destroyed one year after the individual is no longer under consideration by the Senate, unless the report is needed in an ongoing investigation.

[46 FR 58423, Dec. 1, 1981; 47 FR 2996, Jan. 21, 1982]

§ 20.735-32 Surface Mining Control and Reclamation Act filing requirements.

(a) General information Section 201(f) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1211(f), requires the Director of the Office of Surface Mining Reclamation and Enforcement to establish provisions for the filing of financial interest statements. Regulations implementing the filing requirements of Section 201(f) are contained in 30 CFR Part 706 and are incorporated here by reference. All employees of the Office of Surface Mining Reclamation and Enforcement and all other Federal employees who perform any function or duty under the Surface Mining Control and Reclamation Act are required to comply with the filing requirements in Part 706.

(b) What not to report An employee is not required to report any connection with, or interest in: (1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(c) Access to Surface Mining Control and Reclamation Act financial interest statements. Confidential statements of employment and financial interest filed to meet requirements of the Surface Mining Control and Reclamation Act shall be handled in accordance with the regulations in § 20.735-30(g).

(d) Penalty. An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735-4.

(e) Retention and disposal of statements. All statements shall be destroyed two years after an employee leaves a position.

§ 20.735-35 How to file.

(a) Employees who are in positions subject to a single filing requirement.

(1) Employees who are subject only to Executive Order filing requirements shall report all information required on form DI-212, Confidential Statement of Employment and Financial Interest.

(2) Employees who are in positions subject only to Surface Mining Control and Reclamation Act filing requirements shall report all information required on form DI-212A, Confidential Statement of Employment and Financial Interests For Use by Federal Employees Who Perform Functions or Duties Under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211(f)).

(3) Employees who are in positions subject only to the Ethics in Government Act of 1978 filing requirements shall report all information required on Standard Form 278 for annual and termination of employment reports. Newly appointed or elected officials and Presidential nominees to positions requiring the advice and consent of the Senate shall also file Standard Form 278.

(b) Employees who are in positions subject to multiple filing requirements.

(1) Employees who are in positions subject to—

(1) Executive Order filing requirements, and

(ii) The Surface Mining Control and Reclamation Act filing requirements shall report all information on form DI-212A.

(2) Employees who are in positions subject to: (1) Statutory prohibitions contained in § 20.735-22(c) or the Surface Mining Control and Reclamation Act filing requirements, and

(ii) Ethics in Government Act of 1978 filing requirements shall file a Standard Form 278 in connection with the Ethics in Government Act of 1978 and shall meet Executive Order or Surface Mining filing requirements by also filing a DI-278. The DI-278 is an approved supplement to the Standard Form 278 and requests only that additional information required by the Executive Order or the Surface Mining Act that is not requested on the Standard Form 278.

(c) Where to file. (1) The Designated Agency Ethics Official and the Deputy Agency Ethics Official shall file statements with the Under Secretary.

(2) The following employees shall file statements with the Designated Agency Ethics Official: The Secretary, the Under Secretary, Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitors; Assistant and Deputy Assistant Secretaries; Heads of bureaus; the High Commissioner and the Deputy High Commissioner of the Trust Territory; the Director, Office of Administrative Services; the Personnel Officer, Division of Personnel Services; and such others as the Secretary may designate.

NOTE "Covered employee" means an employee who is serving in a position that requires the incumbent to file a financial disclosure statement.

(3) Covered employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitors) shall file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Covered employees in the Office of Hearings and Appeals (except for the Director) shall file statements with the Director, Office of Hearings and Appeals, or the Deputy Ethics Counselor for the Office of Hearings

and Appeals, as the Director may direct.

(5) Covered employees in the Office of the Secretary and in other Departmental offices, except those employees mentioned in paragraphs (c)(1) through (5) of this section shall file statements with the Director, Office of Administrative Services.

(6) Covered employees in other bureaus (except for the head of the bureau) shall file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor, as the head of the bureau may direct.

(d) Information for all employees. (1) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his or her behalf to the appropriate ethics counselor.

(2) Employees required to file who have no known financial interest to report shall file the required form(s) indicating thereon where appropriate, "None."

(3) Covered employees shall complete a new form each year. A statement of "No Change From The Last Report" is not acceptable.

[46 FR 58425, Dec. 1, 1981, as amended at 47 FR 42362, Sept. 27, 1982; 49 FR 8378, Feb. 21, 1984]

§ 20.735-36 Certificates of disclaimer:

(a) The following statutory restrictions apply specifically to the heads and members of the bureaus and offices identified and are extended to employees in the Office of the Secretary and in other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS-16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1): (1) 43 U.S.C. 31(a)—Geological Survey; (2) 18 U.S.C. 437—Indian Affairs; (3) 43 U.S.C. 11—Bureau of Land Management; (4) 30 U.S.C. 6—Bureau of Mines. In addition, the statutory restrictions of 43 U.S.C. 31(a) are extended to the Director and members of the Minerals Management Service. Refer to § 20.735-

20(c) for the definition of Office of the Secretary and other Departmental Offices.

(b) Each employee covered by one or more of these restrictions shall sign a certificate of disclaimer upon entrance to or upon transfer to these bureaus or offices. The employee's signature will indicate that he or she:

(1) Is aware of the specific restrictions pertinent to his or her employment, and

(2) Is in compliance with such restrictions.

(c) If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate ethics counselor for review and action under the provisions of §§ 20.735-37, 20.735-40 and 20.735-44. (See Appendix A for applicable certificate.)

[46 FR 58425, Dec. 1, 1981; 47 FR 2996, Jan. 21, 1982, as amended at 47 FR 42362, Sept. 27, 1982]

§ 20.735-37 Review and analysis of statements.

(a) Review of statements of employment and financial interests is made to verify that information reported discloses no:

(1) Potential, actual or apparent conflicts of interest with the employee's official duties.

(2) Interests prohibited by statute or regulation, and

(3) Discloses no other serious problems related to the employee's official duties and responsibilities.

(b) Ethics Counselors have important review and analytical responsibilities and shall conduct the following minimum procedures:

(1) Ensure that all necessary statements are filed by February 1;

(2) Review statements received for completeness:

(i) Each section must have a response (i.e., a statement of "no change from my last report" is not acceptable), and

(ii) Each statement must be signed and dated;

(3) Determine which prohibitions apply to each employee and conduct the remaining procedures accordingly;

(4) Research financial interests disclosed in order to obtain enough information to make a determination;

(5) Match the confidential statement with any public disclosure statements filed by the employee to ensure that items on the confidential statement that are reportable on the public disclosure statements have been included;

(6) Match the employee's position description or other description of duties to his or her financial interests and determine if any reported interests:

(i) Are prohibited by law or regulation, or

(ii) Create potential, actual or apparent conflicts of interest with the employee's duties;

(7) Initiate appropriate counseling to effect informal, voluntary resolution of any problems disclosed;

(8) Initiate remedial action by the Bureau Ethics Counselor, if necessary; and

(9) Sign each statement as the reviewing official upon completion of each case.

(c) Each employee's annual statement shall be reviewed by the ethics counselor with whom it is filed by no later than March 3 of each year to ensure that the employee is in compliance with these regulations. The ethics counselor may consult with the appropriate Regional Solicitor, or the Associate Solicitor—General Law, in the conduct of the review.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau shall certify to the Designated Agency Ethics Official that all required reviews of statements have been completed or that statements are still under review. Such certificates are required annually by no later than March 18.

Subpart E—Resolution of Conflicts of Interest

§ 20.735-40 Procedures for resolving conflicts or prohibited holdings.

(a) Remedial action to effect resolution. (1) Violations of the regulations or the statutes referred to in this part by an employee may be cause for mandatory remedial action. Remedial

action should normally be considered only after attempts to obtain voluntary resolution have failed. Voluntary resolution may include: (1) Voluntary divestiture, or

(2) Voluntary conversion to securities which are not prohibited or which do not create actual or apparent conflicts of interest with the employee's duties.

(2) If the Bureau Ethics Counselor decides that remedial action is required, immediate action shall be initiated to remedy the holding of prohibited financial interests or to eliminate the conflict or appearance of conflict of interest created by holding of a prohibited financial interest within a reasonable time, usually ninety days.

(b) Remedial action may include: (1) Reassignment or restriction of the employee. If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of the interest is ordered.

(2) Divestiture of the interest. If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the Bureau Ethics Counselor may order the employee to divest himself or herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of the interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met. Evidence of divestiture must be provided in the form of broker's sale receipts or other appropriate documents.

(3) Establishment of a qualified trust. The Director, Office of Government Ethics, Office of Personnel Management, may allow an employee the option to place holdings in a qualified trust. A qualified trust is established

when by written agreement, the employee gives control and legal title to a trustee. Complete provisions for establishing a trust are contained in § 20.735-42. Employees are permitted to use a qualified blind trust unless such an action is specifically precluded by a statutory restriction. In order to be acceptable as a remedy for a conflict of interest situation, the qualified trust must meet the conditions set forth in § 20.735-42 which include the requirement that each new and existing trust be approved by the Designated Agency Ethics Official, the Solicitor or his or her representative, and the Director, Office of Government Ethics.

(c) Other forms of trust. Employees who have pre-existing trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis, receive authorization from the Designated Agency Ethics Official to continue the trust, provided the employee has no control over its management or assets.

(d) Authority to order remedial action. (1) Each Bureau Ethics Counselor is authorized and shall order resolution of conflict of interest situations within his or her Bureau. The advice of the appropriate Regional Solicitor, the Associate Solicitor—General Law, the Deputy Agency Ethics Official or the Designated Agency Ethics Official may be sought before such an order is issued. This authority to order remedial action may not be redelegated.

(2) The Assistant Secretary—Policy, Budget and Administration is responsible for ordering resolution of conflict of interest situations for employees who file with the Director, Office of Administrative Services.

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary or the Designated Agency Ethics Official. The Secretary shall order resolution of conflict of interest situations involving the Under Secretary.

(e) Disciplinary action. An employee who fails to comply with an order for remedial action is considered to be in violation of these regulations and

shall be subject to disciplinary action, as provided by § 20.735-4.

§ 20.735-42 Qualified trusts.

(a) **Definitions.** (1) "Qualified blind trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which includes the provisions described in 5 CFR 734.403(b) and has an independent trustee as defined in § 20.735-42(d)(1).

(2) "Qualified diversified trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which has a portfolio as described in § 20.735-42(e)(2)(i), includes the provisions described in 5 CFR 734.404(c), and has an independent trustee as defined in § 20.735-42(d)(1).

(3) "Excepted trust" means a trust (i) which was not created directly by an employee, his or her spouse, or any dependent child and (ii) the holdings or sources of income of which the employee, his or her spouse, and any dependent child have no knowledge.

(4) "Reporting individual" means any employee who submits a trust instrument for approval.

(5) "Interested party" means an employee, his or her spouse, and any dependent child if the reporting individual, his or her spouse, or dependent child has a beneficial interest in the principal or income of a qualified or excepted trust.

(6) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank (15 U.S.C. 78ct(a)(4)).

(7) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, but does not include a bank or any broker, lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his or her profession (15 U.S.C. 80b-2(a)(11)).

The United States Code contains an additional listing of others who do not meet this definition (15 U.S.C. 80b-2(a)(11)(D), (E) and (F)).

(8) "Relative" means relative as defined in § 20.735-31(a)(5).

(b) **General information.** Section 202(f)(3) of the Ethics in Government Act of 1978, 92 Stat. 1841, 1845, contains new provisions for the establishment of qualified trusts. Under this law no employee may establish a qualified blind or diversified trust without obtaining the approval of the Director, Office of Government Ethics, in the Office of Personnel Management. In addition, any existing blind trust established before October 26, 1978 which is still being used by an employee must be submitted to the Director, Office of Government Ethics, for approval. The Office of Government Ethics rules governing the specifics for establishment of a qualified blind or diversified trust are contained in 5 CFR 734.401-408 and are incorporated here by reference.

(c) **Acceptable forms of trust.** Three types of trusts qualify as appropriate forms of trust for purposes of ameliorating potential conflicts of interest. They are:

(1) **Excepted trusts**—which may be retained by any employee without the need to submit the trust document to the Office of Government Ethics for approval. Income derived from an excepted trust must, however, be reported on the SF-378.

(2) **Qualified blind trust**—which may be established in accordance with provisions described in this section by any employee; and

(3) **Qualified diversified trust**—which may be established in accordance with provisions described in this section, only by employees appointed to a position by the President, by and with the advice and consent of the Senate.

(d) **General provisions applicable to qualified blind trusts.** (1) The trustee must be a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser who:

(i) Is independent of and unassociated with any interested party so that the trustee cannot be controlled or in-

fluenced in the administration of the trust by any interested party;

(ii) Is not or has not been employed by any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(iii) Is not a relative of any interested party.

(2) Any asset transferred to the trust by an interested party must be free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the Director, Office of Government Ethics.

(3) The trust instrument that establishes the trust shall provide that:

(i) The trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) The trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) The trustee shall promptly notify the employee and the Director, Office of Government Ethics, when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) The trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) An interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by filing requirements of the Ethics in Government Act, but

such report shall not identify any asset or holding;

(vi) Except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (A) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (B) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (C) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) The interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in Section 202(f)(3) of the Ethics in Government Act of 1978.

(4) The proposed trust instrument and the proposed trustee shall be approved by the Director, Office of Government Ethics.

(5) Within thirty days of the dissolution of a qualified trust an employee shall file with the Director, Office of Government Ethics through the Designated Agency Ethics Official:

(i) A report of such dissolution, and

(ii) A list of the assets of the trust at the time of dissolution, categorized as to value in accordance with 5 CFR 734.304.

Any document filed pursuant to the requirements of this subparagraph shall be subject to the public disclosure requirements of 5 CFR 734.802.

(e) How the qualified blind trust and the qualified diversified trust differ.

(1) Qualified blind trusts are authorized by Section 202(f)(3) of the Ethics in Government Act which states:

An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purpose of section 208 of Title 18, United States Code, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(2) Qualified diversified trusts are authorized by Section 202(f)(4)(B) of the Ethics in Government Act which provides that the provisions just stated in § 20.735-42(e)(1) do not apply to a trust created for the benefit of an employee appointed to office by the President, by and with the consent of the Senate, or to the spouse or dependent child of such a person, if—

(i) The Director of the Office of Government Ethics, in concurrence with the Attorney General, finds that—

(A) The assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(B) None of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(C) The trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (d)(3), (iii), and (iv) of this section, from making public or informing any interested party of the sale of any securities;

(D) The trustee is given power of attorney, notwithstanding the provisions of paragraph (d)(3)(v) of this section, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(E) Except as otherwise provided in this paragraph, the trust instrument provides that the trust shall be administered in accordance with requirements of the Ethics in Government Act and the trustee of such trust meets the requirements of the Ethics in Government Act; and

(ii) The employee (other than an individual who is in such an office at the time of enactment of the Ethics in Government Act and has an existing trust which is a good faith attempt to create a blind trust) has informed the Congressional committee considering his or her nomination at the time his financial disclosure statement is filed with the committee of his intention to comply with section 202(f)(4)(B) of the Ethics in Government Act.

(f) Employees wishing to establish a qualified trust shall seek counseling from the Designated Agency Ethics Official before initiating a request to the Director, Office of Government Ethics, for approval of a qualified trust. A copy of each qualified trust agreement approved for an employee by the Director, Office of Government Ethics, shall be filed with the Designated Agency Ethics Official. No trusts other than those allowed by these regulations will be recognized as a remedy for correction of a conflict or apparent conflict of interest.

§ 20.735-43 Appeal procedures

(a) When and how to appeal. An employee has the right to appeal an order for remedial action under § 20.735-40 and shall have 30 days from the date of the remedial action order to exercise this right before any disciplinary action may be initiated. For appeals of remedial orders issued under § 20.735-40, the procedures described in 37 CFR 771 may not be used in lieu of or in addition to those of this section. Each appeal shall be made in writing and shall contain:

(1) The basis for appeal;

(2) Facts supporting the basis; and

(3) The telephone number where appellant can be reached to discuss facts pertinent to the appeal.

(b) Where to appeal. (1) Orders for remedial action issued by the Assistant Secretary—Policy, Budget and Administration or by a bureau Ethics Counselor may be appealed to the Under Secretary whose decision shall be final.

(2) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(c) *Review Board analysis and recommendations.* (1) Each appeal shall be considered by a Review Board consisting of a program Assistant Secretary selected by the Designated Agency Ethics Official, the Associate Solicitor—General Law, and the Director or Deputy Director Office of Personnel. Assistant Secretaries may delegate authority to serve on the Review Board to a Deputy Assistant Secretary who has not been involved, and who has not advised or made a decision on the issue or on the order for remedial action.

(2) The Deputy Agency Ethics Official shall serve as secretary to the Board, except for cases in which he or she has previously participated. In such cases, the Board shall designate an employee who has not previously been involved with the case to serve as secretary.

(3) The Review Board members shall:

(i) Obtain from the appropriate ethics counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all facts, information, exhibits for documents which he or she feels should be considered before a final decision is made.

(iii) The secretary to the Board shall prepare a summary of the facts pertinent to the appeal. When appropriate, the Board may provide for personal appearance by the appellant before the Board if necessary to ascertain the circumstances concerning the appeal or may designate the Board secretary or another employee to conduct further fact finding, or may do both. Fact finding procedures shall be carried out by a person(s) who

(A) Has not been involved in the matter being appealed and

(B) Who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in, the matter being appealed.

(iv) Establish a file containing all documents related to the appeal, which shall be available to the appellant and his or her representative.

(v) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(d) *Assurances to the appellant.* Each appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal in presenting an appeal.

(2) A reasonable amount of official time to present the appeal if the employee is otherwise in a duty status.

(3) The right to obtain counseling from an ethics counselor of the Department.

(4) The right to be accompanied, represented, and advised by a representative of his or her own choosing. The Board may disallow the choice of an individual as a representative if such representation would result in a conflict of interest or position which would conflict with the priority needs of the Department or which would give rise to unreasonable costs to the Government.

(e) *Assurances to the appellant's representative.* Each person chosen to represent an appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal, and

(2) A reasonable amount of official time to present the appeal if the representative is an employee of the Department and is otherwise in a duty status.

Subpart F—Special Government Employee Responsibilities, Ethical and Other Conduct

§ 20.735-50 Scope of subpart.

For the most part, special government employees are subject to the same conflict of interest and employee conduct provisions as regular employees. This subpart will highlight the provisions which are of concern to the special government employee and will provide information concerning the filing of financial interest forms by special government employees. Each special government employee should become familiar with the standards of conduct in Subpart B, the prohibitions

in Subpart C. and the provisions of this subpart.

§ 20.735-51 Conflict of interest statutes relating to special government employees.

(a) A special government employee—that is, one who is retained, designated, appointed, or employed to perform temporary duties with or without compensation for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis—is in general subject to the following major prohibitions: A special government employee may not:

(1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a government agency in connection with a particular matter in which the United States is a party or has an interest, and in which (i) the employee has at any time participated personally and substantially or (ii) which is pending in the Department, except (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 consecutive days. (18 U.S.C. 203)

(2) Represent, except in the discharge of official duties, anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest and in which:

(i) He or she has at any time participated personally and substantially for the Government or;

(ii) Which is pending in the Department, except (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 days. (18 U.S.C. 203)

(iii) Represent, except in the discharge of official duties, anyone else in a particular matter in which the United States is a party or has an interest and which is pending before the Department unless he or she has served there no more than 60 days during the past 365 days (18 U.S.C. 205). The employee is bound by this restraint despite the fact that the matter is not one in which he or she

has ever participated personally and substantially.

The restrictions described in paragraphs (a)(2) (i) and (ii) of this section apply to both paid and unpaid representation of another.

(3) Participate in his or her governmental capacity in any matter in which he or she, his or her spouse, dependent child, outside business associate or person with whom he or she is negotiating for employment, has a financial interest. (18 U.S.C. 208)

(4) Represent, after his or her Government employment has ended, any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a));

(5) Represent, for two years after his or her Government employment has ended, any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and which was within his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(1)). This temporary restraint of course gives way to the permanent restriction described in paragraph (a)(4) of this section if the matter is one in which he or she participated personally and substantially.

(b) Additional conflict-of-interest prohibitions applicable to special government employees may be found in §§ 20.735-21 through 20.735-29.

(c) Additional post-employment restrictions applicable to special government employees may be found in §§ 20.735-61(b) (3) and (4) and 20.735-61(c).

§ 20.735-52 Conduct provisions of particular interest to special Government employees.

(a) Special government employees are subject to the same Federal statutes and regulations relating to general standards of conduct as regular em-

ployees (Subpart B of these regulations).

(b) However, the attention of each special government employee is directed to the following regulations which are of particular application, and relate directly, to the ethical conduct of a special government employee:

(1) *Use of Government employment.* A special government employee shall not use his or her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he or she has family, business or financial ties.

(2) *Use of inside information.* A special government employee shall not use inside information obtained as a result of his or her Government employment for private gain for himself or herself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he or she has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(3) *Teaching, lecturing or writing.* Special government employees may teach, lecture, or write in a manner consistent with § 20.735-10.

(4) *Coercion.* A special government employee shall not use his or her Government employment to influence or coerce, or to give the appearance of influencing or coercing, a person to provide financial benefit to himself or herself or another person with whom he or she has family, business, or financial ties.

(5) *Gifts, entertainment and favors.* Except as provided in § 20.735-7, a special government employee, while so employed or in connection with employment, shall not receive or solicit from a person having business with the Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or herself or another person with whom he or she has family, business, or financial ties.

§ 20.735-53 Statements of employment and financial interests.

(a) *Who shall file.* Each special government employee who occupies a confidential or policymaking excepted service position shall file a Standard Form 278 in accordance with the provisions in § 20.735-31. See also, § 20.735-31(b)(3). In addition, each special government employee who occupies one of the following positions shall file a statement of employment and financial interests as provided in paragraph (b) of this section:

(1) A position of consultant or expert;

(2) Any other special government employee position which the appointing officer considers to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government;

(3) A position of advisory council member unless such filing is expressly prohibited by law; or

(4) A position involving a temporary assignment or detail, as provided in § 20.735-30(b)(5).

(b) *What and where to file.* Special government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735-30(d), Form DI-213, "Statement of Employment and Financial Interests". This form provides for the reporting of:

(1) All employment, including employment without compensation; and

(2) All financial interests, including any interest held by the spouse or dependent child or relative living in the same household of a special government employee. The special government employee is not required to report any connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and devel-

opment or related work involving grants of money from the contracts with the Government are deemed "business enterprises" and are required to be included in a special government employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, U.S. savings bonds, building and loan associations, or insurance companies.

(c) *Special filing conditions.* (1) In an instance involving the proposed employment of a special government employee for highly specialized and limited duties, the head of the bureau or office may propose to the Designated Agency Ethics Official a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special government employee is to perform. If a restricted reporting of financial interests is approved by the Designated Agency Ethics Official in advance of employment, Form DI-213 may be revised to reflect the narrower requirement.

(2) In an instance involving the proposed employment of an expert, consultant or advisory board member it may be desirable to retain an individual who has personal financial interests in an industry or a company that may be affected by the performance of the person's official duties. In such instances, retention of otherwise prohibited holdings will be allowed if the appointing officer certifies in writing that:

(i) No other equally qualified expert, consultant or member is available, or

(ii) The reason for proposing the special government employment of the individual is precisely because that individual will represent the industry involved as an employee of the industry.

(d) *When to file.* The statement of employment and financial interests shall be submitted before the special government employee enters on duty. Prior to the reappointment of a special government employee to perform the same or different functions, with or without a break in service, a new

statement shall be obtained. Statements filed by special government employees shall be reviewed, processed and retained in the manner provided in § 20.735-30.

(e) *Special definitions.* For the purpose of this section, the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

Subpart G—Prohibitions Affecting Former Government Employees

Cross Reference: This subpart contains a summary of the post-employment provisions. Refer to 18 U.S.C. 207 and 5 CFR Part 737 for detailed guidance.

§ 20.735-60 Scope of subpart:

(a) *Content.* (1) This subpart prescribes policies and procedures for identifying, correcting, and preventing post-employment conflicts of interest in connection with an employee's or former employee's government position. This subpart identifies the statutory provisions governing post-employment responsibilities and conduct, sets forth administrative procedures for enforcement of the post-employment conflict of interest statute and describes administrative sanctions which may be imposed for their violation.

(2) *Statutory restrictions on post-employment conduct* are contained in 18 U.S.C. 207. Pursuant to Title IV of the Ethics in Government Act of 1978, the Office of Personnel Management (OPM) has published regulations in 5 CFR Part 737 governing post-employment conflict of interest problems. This subpart supplements the OPM post-employment regulations.

(b) *Department policy.* (1) It is the policy of the Department to provide assistance promptly to employees and former employees of the Department who seek advice on post-employment restrictions and these regulations.

This assistance shall include informing employees and former employees of Departmental guidelines, counseling such employees on their participation in specific matters while working for the Department, advising the former employees as to whether the United States still has an interest in the matter and providing copies of pertinent regulations and Departmental Manual provisions.

(2) The Designated Agency Ethics Official is responsible for monitoring post employment conflict of interest matters involving employees and former employees. Inquiries concerning procedures in this subpart should be addressed to the Designated Agency Ethics Official, U.S. Department of the Interior, Washington, D.C. 20240.

§ 20.735-61 Post-employment restrictions.

(a) **Definitions.** (1) "United States" or "Government" means any department, agency, court, court-martial, or any civil, military or naval commission of the United States, the District of Columbia, or any officer or employee thereof.

(2) "Agency" includes an Executive Department, a Government corporation and an independent establishment of the executive branch, which includes an independent commission. (18 U.S.C. 6.)

(3) "Former government employee" means one who was, but is no longer, a Government employee.

(4) "Particular Government matter involving a specific party" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest.

(5) "Senior Employee" means all Executive Level employees and officers and means an officer or employee designated by the Director, Office of Government Ethics, pursuant to 18 U.S.C. 207(d) to which subsections 207 (b)(1) and (c) shall apply (see 5 CFR 737.25). This term applies to both regular and special government employees.

(6) "Representation" means (i) acting as agent or attorney or as any other representative in an appearance.

(7) "Participated personally and substantially" means to have participated directly through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, and includes the participation of a subordinate when actually directed by the former Government employee in the matter, and that the former employee's involvement must be of significance to the matter or form a basis for a reasonable appearance of such significance. A finding of substantiality should be based not only on the effort devoted to the matter but on the importance of the effort.

(b) **Substantive provisions.** (1) **Basic prohibition of 18 U.S.C. 207(a).** No person after his or her Government employment has ceased, shall (i) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance, before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to (A) the United States, (B) in connection with any particular Government matter involving a specific party or parties (C) in which matter he or she participated personally and substantially as a Government employee.

(2) **Basic prohibition of 18 U.S.C. 207(b)(1).** No person, within two years after his or her employment by the United States has ceased, shall (i) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) (A) to the United States (B) in connection with any particular Government matter involving a specific party or parties (C) if such matter was actually pending under the employee's official responsibility within a period of one year prior to the termination of such responsibility.

(3) **Basic prohibition of 18 U.S.C. 207(b)(1).** No former Senior Employ-

ee. within two years after his or her Government employment has ceased, shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before, (1) the United States (2) in connection with any particular Government matter involving a specific party or parties (3) if such matter was one in which he or she participated personally and substantially.

(4) *Basic prohibition of 18 U.S.C. 207(c).* For a period of one year after his or her Government employment has ceased, no former Senior Employee (other than a special government employee who serves for less than sixty days in a calendar year) shall (i) knowingly act as an agent or attorney for, or otherwise represent, anyone other than the United States in any formal or informal appearance before, or (ii) with the intent to influence, make any written or oral communication on behalf of anyone other than the United States to (A) the Department, or any of its employees, (B) in connection with any particular Government matter, whether or not involving a specific party, which is pending before the Department, or in which it has a direct and substantial interest.

(c) *Exemptions.* (1) Anything in 18 U.S.C. 207 to the contrary notwithstanding, employees of the United States assigned to an Indian tribe as authorized under 5 U.S.C. 3372 or 25 U.S.C. 48 and former employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: Provided, that each such employee or former employee must advise in writing the head of the department, agency, court, or commission with which he or she is dealing or appearing before on behalf of the tribe of any personal and substantial involvement he or she may have had as an employee of the United States in connection with the matter involved (25

U.S.C. 4501(f)). Such notices should be sent to the Designated Agency Ethics Official for review and filing.

(2) Other exemptions are set forth in 5 CFR 737.15 and 737.17.

§ 20.735-62 Administrative enforcement procedures.

(a) *Content.* The procedures in this subsection are for the purpose of carrying out the authority of the Secretary under 18 U.S.C. 207(j) to enforce the post-employment conflict of interest provisions of 18 U.S.C. 207(a), (b) and (c).

(b) *Investigative procedures.* (1) Information received in the Department which indicates that a former employee has violated any post-employment provision of 18 U.S.C. 207 or any post-employment regulation of the department shall be submitted to the Inspector General for determination as to whether there is reasonable cause to believe there has been a violation. Employees have a duty to report such information to the Inspector General.

(2) Allegations submitted to the Inspector General shall be reviewed and an initial determination made as to whether such allegation warrants further investigation. If such an investigation appears warranted, the Inspector General shall:

(i) Expediently inform the Designated Agency Ethics Official, the Director, Office of Government Ethics, and the Criminal Division, Department of Justice, and provide them with any comments and regulations deemed pertinent.

(ii) Coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Inspector General that it does not intend to initiate criminal prosecution; and

(iii) Conduct a full investigation, or as appropriate, arrange and provide oversight for Department personnel to undertake an investigation on behalf of the Inspector General.

(3) If the Designated Agency Ethics Official determines, based on the evidence gathered during the investigation and other factors, that disciplinary action should be taken, he or she

shall request the Office of Hearings and Appeals, which shall appoint an impartial and qualified hearing officer, to initiate the action and render a decision. The hearing officer shall be an individual who has not participated in any way in the decision to propose such action. The Designated Agency Ethics Official, in consultation with the Inspector General should propose a penalty when he or she asks for disciplinary action.

(c) Hearing procedures (1) As soon as he or she is appointed, the hearing officer shall provide written notice to the former employee that the Department intends to institute a proceeding under these regulations and inform the former employee of the penalty being proposed. The notice shall also inform the employee that:

(i) He or she may request a hearing, in writing, within 10 days after receipt of the notice;

(ii) If a written request from the employee is not received by the hearing officer within the stated time period, the right to a hearing shall be waived;

(iii) If the employee waives the right to a hearing, the hearing officer shall consider the evidence and make a decision; and

(iv) The particular penalty proposed will be in addition to any which the Justice Department may seek to obtain in a prosecution under 18 U.S.C. 207.

(2) If the former employee waives a hearing, the hearing officer shall render a decision on the basis of evidence presented by the Inspector General and shall set forth in the decision findings of fact and conclusions of law.

(3) If the former employee requests a hearing, the hearing officer shall conduct such hearing in accordance with 43 CFR Part 1.

(d) Appeals. Within 30 days after receipt of the decision of the hearing officer, an appeal may be filed by the former employee, the Designated Agency Ethics Official or the Inspector General, with the Solicitor whose decision shall be final for the Department. If the Solicitor modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the hearing examiner.

(e) Administrative Sanctions. (1) The Department may in the case of any individual found in violation of 18 U.S.C. 207(a), (b) or (c) or these regulations impose any or all of the following sanctions:

(i) Prohibit the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Department on any matter of business for a period not to exceed five years;

(ii) Cancel, or cause to be cancelled, any contract, permit, license, lease, or other business arrangement between the Department and the individual;

(iii) Take other appropriate disciplinary or administrative action.

(2) In addition, the Department reserves the right to formally notify any professional society (e.g., state bar association, American Institute of Certified Public Accountants, American Institute of Architects) to which the individual belongs and any appropriate federal, state, territorial, or tribal agency of any final decision in which the former individual is found to have violated 18 U.S.C. 207 or these regulations.

(f) An individual found to be in violation of 18 U.S.C. 207 or these regulations by the Department may seek judicial review of the administrative determination in an appropriate United States district court.

Subpart H—Bibliography of Statutes

§ 20.735-70 Bibliography of statutes.

(a) The following list consists of particularly relevant statutory provisions that relate to ethical and other conduct of federal employees. Employees must become acquainted with these provisions:

(1) House Concurrent Resolution 173, 85th Cong. 2d Sess. 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(3) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a)(4)(F) and (G)).

(6) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure and maintenance of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1) and (2)).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 606, 607, and 608.

(17) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(18) The requirement that each employee of the Office of Surface Mining Reclamation and Enforcement or any other Federal employee performing any function or duty under the Surface Mining Enforcement and Reclamation Act is prohibited from having a direct or indirect financial interest in underground or surface coal mining operations.

(19) The requirement that prohibits employees in the Bureau of Land Management from directly or indirectly purchasing or becoming interested in the purchase of any of the public land (43 U.S.C. 11).

(20) The requirement that prohibits the Director and members of the Bureau of Mines from (i) having any personal or private interest in any mine or the products of any mine under investigation, (ii) accepting employment from any private party for services in the examination of any mine private mineral property, or (iii) issuing any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6).

(21) The requirement that prohibits the Director and members of the Geological Survey from having any personal or private interests in the lands or mineral wealth of the region under survey, and from executing any surveys or examinations for private parties or corporations (43 U.S.C. 31(a)).

(22) The requirement that no employee in Indian Affairs may have (other than as a lawful representative of the United States) any interest in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest (i) in any contract made or under negotiation with any Indian, for the purchase or transportation or delivery of goods or supplies for any Indian, or (ii) in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian, or (iii) collude with any person in attempting to obtain any such interest (18 U.S.C. 437, as amend-

ed by Sec. 1, Pub. L. 96-277, 94 Stat. 544).

(23) The requirement that no employee who has authority to take, direct others to take, recommend, or approve any personnel action shall with respect to such authority engage in personnel practices prohibited by 5 U.S.C 2302.

(b) The majority of the foregoing provisions are not discussed in depth in other sections of these regulations. They are nevertheless important provisions that employees should be reminded of occasionally. Accordingly, the Designated Agency Ethics Official shall:

(1) Make current copies of the foregoing statutes available to each Ethics Counselor.

(2) Request Ethics Counselors to make the copies available to employees for review, and

(3) Encourage Ethics Counselors occasionally to remind employees of these provisions in appropriate annual notices or bulletins on employee conduct.

[46 FR 58423, Dec. 1, 1981, as amended at 48 FR 6376, Feb. 21, 1983]

APPENDIX A-1—U.S. GEOLOGICAL SURVEY EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Bureau and Deputy Bureau Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the statutory restrictions contained in 43 U.S.C. 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands or mineral wealth under survey, and shall execute no surveys or examinations for private parties or corporations (43 CFR 20.733-22(c)(3)).

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in federal lands. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of

such lands and from executing surveys or examinations for private parties. By § 20.733-27(b)(2) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having a substantial personal or private interest, direct or indirect, in any private mining activities in the United States except where specifically authorized by the Director of Geological Survey.

I certify that to the best of my knowledge I do not have any personal or private interest, direct or indirect, in Federal lands as defined in § 20.733-24(a).

I also certify that to the best of my knowledge I do not have any substantial personal or private interest, direct or indirect, in any private mining activities, as defined in § 20.733-27(a) doing business in the United States except where the Director has authorized me to have such interest.

Note: The provisions in 43 CFR 20.733-24 and 20.733-27 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

INSTRUCTIONS

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

43 U.S.C. 31(a) and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-2—U.S. DEPARTMENT OF THE INTERIOR, INDIAN AFFAIRS: EMPLOYEE CERTIFICATION.

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in 18 U.S.C. 437, as amended by Pub. L. 96-277, 94 Stat. 544 which prohibits any person employed in Indian Affairs in the Department of the Interior from having an interest or concern in any trade with the Indians, except for, and on account of, the United States.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian Affairs.

NOTE: The provisions in 43 CFR 20.735-28 and 20.735-29 should be read completely before this statement is signed

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

1. All applicable employees in Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

18 U.S.C. 437 and 43 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Per-

sonnel Management, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-3—U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT: EMPLOYEE CERTIFICATION

NOTE: The provisions in 43 CFR 20.735-22(c)(1) and 20.735-24 should be read completely before this statement is signed.

I have received a copy of the Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Assistant Bureau Ethics Counselor. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I do not have a direct or indirect interest in Federal lands as prohibited in 43 CFR 20.735-22(c)(1) and 20.735-24. I understand that an interest in Federal land is interpreted to include stock ownership in companies which lease Federal lands, leases, permits, contracts, mineral rights, grazing rights, etc.

I certify that I do not now have and that I will not acquire an active real estate license during the time I am an employee of the Bureau of Land Management.

(Employee's Name typed or printed)

(Signature of Employee)

(Title of Position)

(Date)

INSTRUCTIONS

1. All employees (including temporaries, reemployed annuitants, excepted appointment, etc.) of the Bureau of Land Management must complete the certifications on this form.

2. Your name must be printed or typed and a signature and date must be on the appropriate lines.

3. Signed certificates shall be sent to and maintained by the Servicing Personnel Office.

4. If you are unable to certify compliance, you must submit a statement of facts to the Assistant Ethics Counselor for review and action.

5. If you do not have a copy of the Department's regulations governing Responsibilities and Conduct (43 CFR Part 20), you may obtain a copy from your Personnel Office. If you do not know the name and location of the Assistant Bureau Ethics Counselor, your Personnel Office can provide you with the name and phone number.

PRIVACY ACT NOTICE

43 CFR 20.735-22(c)(1), 43 CFR 20.735-24, and 3 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

[43 FR 6376, Feb. 21, 1984]

APPENDIX A-4—U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF MINES: EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy and Assistant Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify that I have been informed of and that I am in compliance with prohibitions contained in 43 CFR 20.735-27 which implements the statutory restrictions contained in Title 30, U.S.C. 6. I understand that these provisions prohibit employees of the Bureau of Mines from having any personal or private interests in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or private mineral property, or issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

NOTE: The provisions in 43 CFR 20.735-27 should be read completely before the statement is signed.

Employee's Name (Typed or Printed) —
Signature of Employee —
Title of Position —
Date —

INSTRUCTIONS

1. All applicable employees of the Bureau of Mines shall complete the certifications of this form.

2. Signed certificates shall be maintained in the employee's Official Personnel Folder.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the ethics specialist for review and action.

PRIVACY ACT NOTICE

30 U.S.C. 6 and 3 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

[43 FR 6376, Feb. 21, 1984]

APPENDIX A-5—U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY AND OTHER DEPARTMENTAL OFFICERS: EMPLOYEE CERTIFICATION

Instructions and Privacy Act Notice on Reverse

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior, the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Designated Agency Ethics Official:

(1) 43 U.S.C. 11 and 43 U.S.C. 31(a) which provide that certain employees are prohibited from (1) having a direct or indirect interest in public lands or (2) executing surveys or examinations for private parties or corporations (43 CFR 20.735-24).

(2) 30 U.S.C. 6, which provides that employees are prohibited from owning a financial interest in any mine or the products of any mine under investigation (43 CFR 20.735-27).

(3) 18 U.S.C. 437, as amended by Sec. 1, Pub. L. 94-277, 94 Stat. 644, which provides

that any person employed in Indian Affairs in the Department of the Interior is prohibited from having an interest or concern in any trade with the Indians, except for, and on account of, the United States (43 CFR 20.735-28).

I understand that any person who violates these provisions shall be subject to removal from office.

NOTE: The provisions in the sections cited should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

INSTRUCTIONS

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

5 U.S.C. 301 constitutes the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-6—MINERALS MANAGEMENT SERVICE EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Bureau and Deputy Bureau Ethics Counselors. I under-

stand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the regulatory restrictions contained in 43 CFR 20.735-22(c)(3) and 20.735-24 which provide that employees of the Minerals Management Service shall have no direct or indirect interest in federal lands or the mineral wealth of the federal lands and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Minerals Management Service from having any personal or private interest, direct or indirect, in federal lands. Further, an employee of the Minerals Management Service is prohibited by the Department from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties or corporations with or without remuneration.

I certify that to the best of my knowledge I do not have any personal or private interest, direct or indirect, in Federal lands as defined in § 20.735-24(a).

NOTE: The provisions in 43 CFR 20.735-22(c)(3) and 20.735-24 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

INSTRUCTIONS

1. All applicable employees of the Minerals Management Service shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

43 CFR 20.735-22(c)(3), 20.735-24 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confi-

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dential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

(47 FR 42362, Sept. 27, 1982; 47 FR 43380, Oct. 1, 1982)

APPENDIX B—{RESERVED}

APPENDIX C—LIST OF EMPLOYEES, IN ADDITION TO GS-15'S AND HIGHER, REQUIRED TO FILE CONFIDENTIAL STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS¹

¹ Appendix C filed as part of the original document. Copies may be obtained by writing to Designated Agency Ethics Official, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

It is the policy of the Bureau of Land Management to provide equal employment opportunity to all persons by prohibiting discrimination in employment because of race, color, religion, national origin, sex, age, or handicap condition. It also is Bureau policy to promote equal employment opportunity through a continuing affirmative employment program.

The Bureau goal is to establish an environment in which female and minority employees are appropriately represented at all grade levels and in all job categories, as well as in supervisory, managerial and executive positions. To achieve this goal and assure equal opportunity, the Bureau regularly monitors all practices and procedures associated with the recruitment, employment, development, advancement, supervision, and treatment of all employees and applicants.

The Equal Employment Opportunity (EEO) Office conducts or sponsors training to help you recognize and prevent discrimination. It also establishes employment policies designed to reflect agency adherence to EEO principles. Bureau Supervisors and Managers at all levels are responsible for carrying out these policies and for supporting efforts to keep you informed of your rights under the law. Supervisors and managers also are expected to be sensitive to EEO principles with respect to recruitment and personnel management decisions. They are expected to be fair and equitable in protecting the rights of employees and applicants, and they are to ensure that the work environment is kept free of discrimination.

The EEO Office attempts to informally resolve concerns and insure prompt, fair and impartial consideration of all discrimination complaints. If you believe you may have been a victim of discrimination because of your race, sex, age, etc., you have 30 days (according to regulation) in which to report the incident to the EEO office, or to an EEO Counselor.

EEO Counselors are trained representatives of the EEO program. They provide counseling to Bureau employees and applicants who allege employment discrimination. Counselors are required to maintain confidentiality regarding concerns, research and employee discussion of an EEO nature. They can help you "sort out" your concerns, explain agency EEO policies and procedures, and act as impartial "fact finder" when issues are raised as EEO complaints. They cannot act as legal representatives, either for you or the agency; and they are not a source for agency gossip. You can obtain a current list of EEO counselors through your supervisor or from the EEO office located in the Alaska State Office.

In addition to establishing policy and handling discrimination complaints, the EEO office also manages five "Special Emphasis Programs" designed to promote increased representation of women and minorities within the Bureau work force. They include the Black Employment Program (BEP), the Hispanic Employment Program (HEP), the Alaska Native/American Indian Program (AN/AIP), and the Asian-American Employment Program (AAEP). They are designed to assure that employment plans are responsive to your specific needs and that you know how to use the EEO programs and services available to you. The managers of these programs coordinate and present special activities and observances designed to increase employee awareness of the histories and cultures of the people with whom we work. They also act as advisors to the Management Team concerning minority issues effecting the agency.

Women's needs are similarly met through the Federal Women's Program. This program supports efforts by the EEO Office to administer the State's Equal Opportunity Affirmative Employment Plan as it relates to women in the work force. The manager of the Federal Women's Program advises the management team on women's issues affecting the agency, and coordinates and presents special activities and observances relevant to women.

Your supervisor or EEO staff can provide a current roster of EEO Counselors and special program managers.

Contact: Supervisor
 EEO Office

Reference: BLM Manual 1400-713
 BLM Employee
 Handbook, p. 4

SAFETY IS EVERYBODY'S BUSINESS

The safety and health of BLM employees is an enormous responsibility that must be shared by all of us. Supervisors are responsible for ensuring that you receive the training needed to perform all work in the safest way possible. Supervisors also must help you to develop safe work habits and attitudes. You are responsible for performing your duties safely. Also, in keeping with Bureau policy, you are responsible for doing your part to provide a safe and healthful working environment for everyone with whom you work. You play a role in helping to prevent injuries and work related illnesses, to protect property from damage, and to provide for the safety of visitors using the land and facilities under our control.

* * * * *

REPORTING ACCIDENTS AND INJURIES

For your protection, you must report to your immediate supervisor all on-the-job injuries within two (2) working days of the injury. Form CA-1, "Federal Employee's Notice of Traumatic Injury" is available at the District or State Office for this purpose. Your supervisor must have completed a CA-16 in order to authorize treatment by a doctor at government expense. Your supervisor will investigate the accident and will assist you in filling out and processing the appropriate forms.

* * * * *

IF YOU ARE INVOLVED IN A MOTOR VEHICLE ACCIDENT

You can assume from the beginning that a tort claim will probably be filed when there is a motor vehicle accident involving a Government-owned, leased, or privately-owned vehicle if a private citizen and/or property is involved. Get names, addresses, license numbers, if possible take pictures of the accident scene, and get a signed statement from witnesses. Your District or Division Manager is responsible for providing a complete, factual report so that the Bureau can be defended adequately against all claims.

The forms you are required to complete are: SF-91, SF-94, and the OI-134. Your supervisor will complete OF-26 and SF-91A. These forms are to be completed as soon as possible to expedite claims and give accurate information while you can recall it.

Contact: Supervisor _____
Safety Officer: _____
Employee Relations Assistant: _____

Reference: BLM Manual 1112

HAZARDOUS MATERIALS

Hazardous materials are all around us at home, in the office, and spilled or dumped on public lands. They take the form of corrosive, inflammable, reactive, toxic, mutagenic, teratogenic, and radioactive substances. These substances may appear, for example, in overhead fluorescent light fixtures (PCBs), on mining claims (cyanide), or in warehouses (used motor oils).

Everyone, especially outdoor workers, needs to be alert for signs of inactive, forgotten, or abandoned dump sites which may contain hazardous wastes. Look for leaking substances from drums and containers, drying or dead vegetation, abnormal stains or discoloration of soil or water, dead or dying fish or animal life, irritating fumes and odors. Whatever your suspicions, DO NOT EXPLORE. The sites could be dangerous.

Be especially alert for what appears to be discarded household garbage such as broken glass, milk jugs of liquids, 5 gallon chemical containers and plastic trash bags. These items may indicate an illegal drug lab disposal. **THEY ARE EXTREMELY DANGEROUS.**

Also, be on the lookout for the "midnight dumper." For a modest fee, this person takes waste from generators and dumps it in any convenient ditch, stream or field.

It is the BLM's policy that if a substance is known or suspected to be a hazardous material, all employees are to stay away from it until authorization is obtained to enter the site. In any suspicious situation, keep a safe distance, stay up-wind, and out of low spots. Do not handle materials or attempt to collect samples. Report the incident immediately.

Contact: Supervisor
 Hazardous Materials Coordinator
 Safety Officer

Reference: District Office Hazardous Materials Contingency Plan
 BLM Video entitled Close Encounters

AVIATION SAFETY FOR BLM ALASKA

Some of us fly a great deal more than others on agency business, utilizing a variety of aircraft. If you use aircraft supplied by the BLM in the performance of your job, the following information pertains to you and requires your careful attention.

If this should raise unanswered questions, more detailed information can be supplied by the Aviation Specialist or by the Office of Aircraft Services (OAS) at 243-4330.

The Office of Aircraft Services is responsible for all aviation activities for the Department of the Interior (DOI) agencies in Alaska necessary to support their mission in a safe, efficient and economical manner. OAS has adopted the Federal Aviation Regulations (FARs) as minimum standards. Some of the OAS requirements are more restrictive than those of the FAA. These more restrictive requirements apply to the OAS utility fleet as well as those aircraft operated by Air Taxi Commercial Operators when utilized by agencies in the Department of Interior.

ACCIDENT PREVENTION

The responsibility of preventing accidents rests upon each and every one of us. The FAA, OAS, operator, pilot, and you all have a part in making the flight you are about to take a safe and pleasant trip.

OAS requires flight plans on all flights. The flight should follow the flight planned route. If it fails to show up on time, that is where searchers will look first. If it is necessary to divert from a planned route, let somebody know.

Professional and Incidental pilots utilized by DOI employees must be carded for either fixed wing or helicopter and the card must be carried at all times. (9400.3 Personnel Qualifications) OPM No. 83-1.

A passenger may refuse to fly with any pilot or in any aircraft if, in the opinion of the passenger, conditions exist which make the flight unsafe. (9400.51F Refusing Flights).

SOME THINGS TO ALWAYS DO

- BRIEF PILOT thoroughly before flight. If your mission will require extensive diversions from course, let the pilot know as this may extend the flight time considerably.
- The pilot has flight and duty hour limitations.
- Check Pilot Qualifications Card.
- Check aircraft for OAS decal data card.
- Wear clothing suitable for camping out in the worst terrain that you will be flying over. If the aircraft goes down, you may have to survive with what is on your back and in your pockets.
- Approach helicopters in a slight crouch in FULL view of the pilot.
- Insist that all cargo or baggage carried in the cabin is firmly secured by seat belts, rope, or cargo net, and that it does not obstruct access to any exit.
- Insist that all occupants have a seat belt.
- Stay with the aircraft if something happens. It is much larger and easier for searchers to spot than you are.
- Check with the pilot to see that adequate survival gear is aboard and where it is located.
- Insist that the pilot brief all passengers before takeoff on use of the seat belts, smoking, operation of cabin doors and emergency exits, placement of seat backs, location and operation of Emergency Locator Transmitter (ELT) and survival equipment, and location and operation of fire extinguishers. Extended over-water operations should include briefing on ditching procedures and use of required floatation equipment. Flights above 12,000 feet MSL require that supplemental oxygen be aboard and passengers must be briefed on its use.
- Inquire about enroute and destination weather.

- In the event of an accident, incident, or observed condition or act that might affect the safety of your operation, the following forms should be completed:

An aircraft accident is defined as an unplanned event that does substantial damage or causes serious injuries or death when associated with the operation of an aircraft (Form OAS-34A).

An aircraft incident is an unplanned event that results in the deviation from standard operation procedures which has the potential of resulting in an accident (Form OA-34). (9430.1 Accident Reporting, 352 DM 6.1)

A Safety and Feedback Evaluation Report (SAFER) is a semi-formal way of reporting any observed condition or act that effects, or may effect the same operation of DOI, contractor, charter or rental aircraft, associated equipment or facilities. These forms should be obtained through OAS, 243-4330.

Contact: Supervisor
 Safety Officer

Reference: BLM Manual 1112
 BLM Manual 9430

WATERCRAFT SAFETY

BLM often times uses boats to perform work or travel to and from work. In the cold waters of Alaska, it is imperative you are prepared to use boats. Training and experience are the best tools to use in traveling the ever-changing water conditions.

All government-owned or government-operated boats and their operators must meet the requirements established by federal, state, and local law and regulation. Inspect rubber boats or life rafts before each trip. Discard unserviceable equipment. Inspect and keep firefighting and lifesaving equipment in good condition and readily accessible at all times. Never travel alone in a boat. Do not permit persons to ride on parts of the boat not designed for such use.

Provide Personal Floatation Devices (PFDs) for each person aboard and see that they are worn at all times. Always instruct one other person on board in handling the boat in case the operator becomes disabled or falls overboard. Make a "float plan" and leave it with someone, then let them know when you return.

Contact: Supervisor
 Safety Officer

Reference: BLM Manual 1112
 CFR 46
 CFR 41

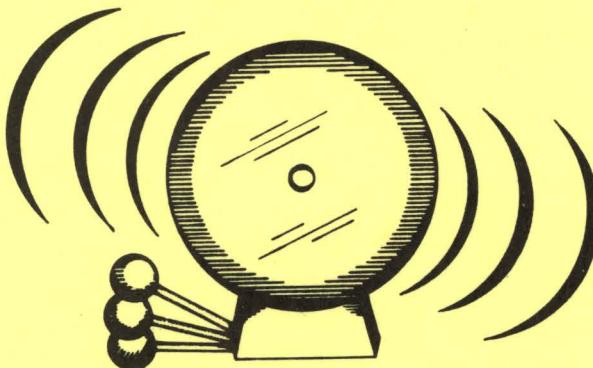
OTHER
HAZARDOUS
MATERIAL

EARTHQUAKE

FIRE & BOMB THREATS

EVACUATION AND ASSEMBLY AREAS

**Anchorage Federal Building
& U.S. Courthouse
222 W. 7th Ave., and 222 W. 8th Ave.,
Anchorage, Alaska 99513**



emergency

10 SEC

Handbook

- 1990 -

HAZARDOUS MATERIAL
EARTHQUAKE
FIRE & BOMB THREATS
EVACUATION AND ASSEMBLY AREAS

INTRODUCTION

This booklet tells you what to do in case of fire, earthquake or other emergency while you are at work in the Federal Building at 222 W. 7th Ave., and Annex G, 222 W. 8th Ave. This is a supplement to the Occupant Emergency Plan for the Anchorage Federal Building and the U.S. Courthouse by summarizing procedures and instructions.

Operating within 41 CFR, Part 101-20.30/2, a designated official, who is the Bureau of Land Management's State Director, has been given the authority to manage emergencies under the Occupant Emergency Plan in the Federal Building after consultation with the Building Manager from the General Services Administration.

There have been individuals assigned to each floor and module to facilitate handling an emergency. These individuals are identified by colored hardhats. They will assist you and advise you in the event of an emergency. The building also has a general alarm system and public address system to assist you. A coordinator has been assigned to direct actions during an emergency.

OTHER
HAZARDOUS
MATERIAL

EARTHQUAKE

FIRE & BOMB THREATS

EVACUATION AND ASSEMBLY AREAS

EMERGENCY INSTRUCTIONS

GENERAL: Report any emergency to the Federal Protection Service using the Emergency number 5997, or use the Emergency Alarm Box Station, White telephone at stairway Exits, or use the Emergency Pull Box (Red for Fire/Blue for Any Other Emergency) at the Emergency Alarm Box Station at stairway exits.

Note: In all situations, the activation of the General Alarm is the signal for a full evacuation. Do not wait for other instructions, go to the nearest exit and depart the building.

In any case:

- Do not block exits
- Leave the building and cross the street
- Assist visitors out of the building

OTHER
HAZARDOUS
MATERIAL
EARTHQUAKE
FIRE & BOMB THREATS
EVACUATION AND ASSEMBLY AREAS

Information in the building:

In the event an evacuation is called, you will be notified by the public address system or by your supervisor, or by bells used as the general alarm.

Evacuation Reminders:

1. Take personal belongings such as coats, car keys, purse, and other like valuables when ordered to evacuate.
2. Walk **DO NOT RUN**, when evacuating to the mobile exit staircase.
3. Walk to sidewalks, staying in line of the evacuation line, and use the handrails. Do not push.
4. Follow any special directions wardens and monitors give you.
5. Wait in personnel assembly areas for further instructions.
6. Do not use elevators.
7. Do not attempt to remove cars from the garage.

Keep records:

1. Place exposed records in cabinets or desk drawers or spread covers over the records to protect them from damage. Place classified documents in a safe or secure location.
2. Disconnect or turn off electrical equipment.
3. Close but do not lock the door when the last person leaves the room, except for Bomb Threats where the doors are to be left open.

HANDICAPPED EVACUATION: In any emergency requiring handicapped evacuation, the Municipality of Anchorage Fire Department personnel will be present to render assistance. Handicapped personnel will not be evacuated on their own initiative or during alarm tests.

HAZARDOUS
MATERIAL

EARTHQUAKE

FIRE & BOMB THREATS

Evacuation of the building:

In the event an evacuation is called, you will be notified by the public address system or by your supervisor, or by bells used as the general alarm.

Evacuation Reminders:

1. Take personal belongings such as coats, car keys, purse, and other like valuables when ordered to evacuate.
2. Walk, DO NOT RUN, when evacuating to the module exit stairway.
3. Walk in exitways, staying in line of the evacuation file, and use the handrails. Do not push.
4. Follow any special directions wardens and monitors give you.
5. Wait in personnel assembly areas for further instructions.
6. Do not use elevators.
7. Do not attempt to remove cars from the garage.

If time permits:

1. Place exposed records in cabinets or desk drawers or spread covers over the records to protect them from damage. Place classified documents in a safe or secure location.
2. Disconnect or turn off electrical equipment.
3. Close but do not lock the door when the last person leaves the room: except for Bomb Threats where the doors are to be left open.

HANDICAPPED EVACUATION: In any emergency requiring handicapped evacuation, the Municipality of Anchorage Fire Department personnel will be present to render assistance. Handicapped personnel will not be evacuated on alarm malfunctions or during alarm tests.

OTHER
HAZARDOUS
MATERIAL

EARTHQUAKE

FIRE & BOMB THREATS

EVACUATION AND ASSEMBLY AREAS

1. Personnel evacuating via the "A" Street exit and the 7th Avenue Loading Dock exit will assemble in the parking areas surrounding the Arctic Environmental Information and Data Center Building, 707 "A" Street, (across "A" Street from the "A" Street exit). (In the event of inclement weather, those evacuees inadequately clothed may use the interior of the building).
2. Personnel evacuating via the 8th Avenue & "A" Street exit will assemble in the parking area of the Salvation Army Building on the NE corner of 8th Avenue and "A" Street exit). (In the event of inclement weather, those evacuees inadequately clothed may use the interior of the building).
3. Personnel evacuating via the 8th Avenue exit will assemble in the parking areas surrounding the 800 "A" Street Building (across from the 8th Avenue and "A" Street exit). (In the event of inclement weather, those evacuees inadequately clothed may use the interior East and West lobbies only of the building).
4. Personnel evacuating via the 7th Avenue exit, the 7th Avenue & "C" Street exit and the "C" Street exit will assemble in the APCO parking lot between 7th Avenue and 8th Avenue and "C" Street exit. (In the event of inclement weather, those evacuees inadequately clothed will seek shelter in the Municipality of Anchorage Fire Department Administration and Police Training Office Building at 211 W. 7th Avenue across 7th Avenue from the 7th Avenue exit).
5. In the event of an evacuation due to a Bomb Threat, notice will be given to occupants, or an Earthquake of destructive intensity, the Occupant Assembly Area will be the 9th Avenue Park Strip, between "A" and "C" Streets. (The purpose is to remove occupants from the effects of a bomb blast, or the danger from damaged facilities, and out of the way of recovery operations.)

Special evacuation assembly areas have been established for Module "G". These locations are located in the Occupant Emergency Plan, Appendix "A".

OTHER
HAZARDOUS
MATERIAL

EARTHQUAKE

FIRE & BOMB THREATS

Upon this notice of fire, you should notify the Fire and Protection Service using the Emergency Number 999, or use the Emergency Action Box (Station 100-101) located at University Hall, by activating the FWD PULL 999, and will activate the general alarm and start a full evacuation.

Know your evacuation route and alternate routes if by an emergency ordered, and locate the locations of the fire wardens.

IN THE EVENT OF A FIRE, CALL 999 OR 100-101 AND USE THE FIRE ALARM PULLS TO ACTIVATE THE FIRE ALARMS. USE THE FIRE ALARMS TO CALL 999 OR 100-101 AND USE THE FIRE ALARM PULLS TO ACTIVATE THE FIRE ALARMS.

In the event of a Bomb Threat, evacuation will be ordered only when your safety is at issue.

In the event of a Bomb Threat and evacuation is not being issued, the following message will be given over the public address system:

"Please listen carefully to the following message. There has been a report of a BOMB THREAT to the building. You are advised to leave your immediate area for safety, you should use a staircase. You see a suspicious package, DO NOT move it. CALL 999 OR 100-101. Activation of your Emergency Box (Station 100-101) located at the Emergency Action Box Station at the Kresge Auditorium, 100-101, or call 999 or 100-101 and advise of your location at the Control Center. *More information will be provided."

HAZARDOUS
MATERIAL
EARTHQUAKE

FIRE

1. Upon discovering a fire, you should notify the Federal Protection Service using the Emergency Number 5997, or use the Emergency Alarm Box Station, WHITE telephone at stairway Exits, by activating the RED PULL BOX and will activate the general alarm and start a full evacuation.
2. Know your evacuation routes and alternate routes if an evacuation is ordered, and follow the directions of the floor wardens.

BOMB THREAT Use the EMERGENCY NUMBER 5997 to report a Bomb Threat.

1. In the event of a Bomb Threat, evacuation will be ordered only when your safety is at issue.

In the event of a Bomb Threat where no evacuation is in your best interest, the following message will be given over the public address system:

"Please listen carefully to the following message. There has been a report of a BOMB THREAT in the building. We request you look around your immediate area for anything unusual or suspicious. If you see a suspicious object, DO NOT TOUCH IT. DO NOT TOUCH IT. Activate the Blue Emergency Pull Box at the Emergency Alarm Box Station at the nearest Stairway Exit, or call extension 5997 and report its location to the Control Center." "Message repeats...."

OTHER
HAZARDOUS
MATERIAL
EARTHQUAKE

2. In event of a Bomb Threat where total evacuation is in your best interest, the following message will be given over the public address systems followed by the sounding of the building alarm bells:

"Please listen carefully to the following message. There has been a report of a BOMB THREAT in the building. While the building is being searched, the designated official would like you to proceed to the stairways and evacuate the building through the nearest building exit. DO NOT GO TO THE GARAGE. DO NOT USE THE ELEVATORS.

Please use the stairways, and proceed to the nearest exit. If you see a suspicious object, DO NOT TOUCH IT. DO NOT TOUCH IT.

Activate the Blue Emergency Pull Box at the Emergency Alarm Box at the nearest Stairway Exit, or call extension 5997 and report its location. "Message repeats...."

If you receive a bomb threat (particularly by phone), please try to get as much information as possible.

EARTHQUAKE (Natural Disaster)

In the event of shocks of destructive intensity, total evacuation of the building will be ordered when safe evacuation routes for you have been determined.

For your safety:

During the shock wave, do not attempt to leave the building. Instead, cover under desks, tables, credenzas, or in doorways, halls, and rooms without and inside walls; stay away from windows and overhanging light fixtures that will shatter; watch out for falling materials and furniture that might slide or topple such as filing cabinets, bookcases, and partition dividers.

- (1) Remain under cover until the destructive effects have stopped.
- (2) Standby for directions from Wardens, Marshals or Supervisors as to stairways safe for evacuating to the outside.
 - (a) When leaving the building, move away from the entryways, avoid stepping over or under power poles, electric lines, and other structures that could collapse.
 - (b) Assemble on the 5th Avenue Park Strip between 2A and 2C Streets and for further instructions from authorities.

EARTHQUAKE (Natural Disaster):

In the event of shocks of destructive intensity, total evacuation of the building will be ordered when safe egress routes for you have been determined.

For your safety:

During the shock waves, do not attempt to leave the building, but take cover under desks, tables, credenzas, or in doorways, halls, and against columns and inside walls; stay away from windows and overhead light fixtures that will shatter, watch out for falling material and furniture that might slide or topple such as filing cabinets, bookcases, and partition dividers.

- (1) Remain under cover until the destructive effects have stopped.
- (2) Standby for directions from Wardens, Monitors or Supervisors as to stairways safe for evacuating to the outside.
 - (a) When leaving the building, move away from the entryways, avoid stepping near or under power poles, electric lines, and other structures that could collapse.
 - (b) Assemble on the 9th Avenue Park Strip between "A" and "C" Streets wait for further instructions from authorities.

HAZARDOUS MATERIALS (Solid or Liquid): Use the **EMERGENCY NUMBER 80022** to report evidence of Hazardous Materials.

Hazardous Material is any substance that is capable of posing an unacceptable risk to the health and life safety of the building occupants, and/or capable of causing damage or loss to the building, its contents, and utility systems.

In the event a Hazardous Material has been reported, evacuation of the floors within the influence of the substance, or total evacuation of the building will be ordered if your safety is at issue.

HAZARDOUS MATERIALS (Spill or Leak) Use the EMERGENCY NUMBER **5997** to report evidence of Hazardous Materials.

Hazardous Material is any substance that is capable of posing an unreasonable risk to the health and life safety of the building occupants, and/or capable of causing damage or loss to the building, its contents, and utility systems.

In the event a Hazardous Material has been reported, evacuation of the floors within the influence of the substance, or total evacuation of the building will be ordered if your safety is at issue.

Tsunami (Tidal Wave): Following a local earthquake, or a more distant seismic event, a Tsunami can be expected. The general elevation of the Federal Building and U.S. Court House (FBI/USCH) is around 105 feet. The shallow depth of the inlet reduces the crest of a Tsunami. It is, therefore, unlikely that the FBI/USCH will be inundated. However, the lower elevations of some of the areas of the Municipality of Anchorage may feel the impact of a Tsunami.

- a. In the event of a warning of a Tsunami of destructive or dangerous intensity, you will be urged to remain in the buildings until the Tsunami subsides to permit safe travel.
- b. The Municipality of Anchorage, State of Alaska, and private sector support services such as electrical, water, sanitary, communications, natural gas system, and traffic control can be expected to be interrupted.

SEVERE WEATHER DISMISSELS

In the event of severe weather, you may be dismissed from work, or not required to go to work. Leave administration for severe weather is the ultimate responsibility of each agency.

Safety considerations for employees resulting from conditions such as heavy snowfall, blizzard, rain, fog, high winds or any combination thereof, may necessitate early release of on-duty employees.

During normal daytime duty hours, you will be notified through your agency management or early dismissal procedures.

During non-duty hours, tune in one of the following radio or TV stations for information.

RADIO		TELEVISION	
KBYR	700 AM	KTVB Channel 4	
KHAR	590 AM	KIMQ Channel 13	
KENT	550 AM 100.5 FM	KTUM Channel 2	
KFGO	730 AM	KAKA Channel 7	
KYAK	650 AM		
KNIX	105.9 FM	KTBV Channel 4	

Please do not waste the taxpayers money by phoning around to see if early dismissals will take place. You will be notified when appropriate.

Tsunami (Tidal Wave): Following a local earthquake, or a more distant seismic event, a Tsunami can be expected. The general elevation of the Federal Building and U.S. Court House (FBUSCH) is around 105 feet. The shallow depth of the Inlet reduces the crest of a Tsunami. It is, therefore, unlikely that the FBUSCH will be inundated. However, the lower elevations of some of the areas of the Municipality of Anchorage may feel the impact of a Tsunami.

- a. In the event of a warning of a Tsunami of destructive or dangerous intensity, you will be urged to remain in the buildings until the Tsunami subsides to permit safe travel.
- b. The Municipality of Anchorage, State of Alaska, and private sector support services such as electrical, water, sanitary, communications, natural gas system, and traffic control can be expected to be interrupted.

SEVERE WEATHER DISMISSALS

In the event of severe weather, you may be dismissed from work, or not required to go to work. Leave administration for severe weather is the ultimate responsibility of each agency.

Safety considerations for employees resulting from conditions such as heavy snowfall, freezing rain, fog, high winds or any combination thereof, may necessitate early release of on-duty employees.

During normal daytime duty hours: you will be notified through your agency management of early dismissal procedures.

During non-duty hours: tune to one of the following radio or TV Stations for information.

RADIO

KBYR	700 AM
KHAR	590 AM
KENI	550 AM 100.5 FM
KFQD	750 AM
KYAK	650 AM
KNIK	105.3 FM

TELEVISION

KTVA Channel 11
KIMO Channel 13
KTUU Channel 2
KAKM Channel 7
KTBY Channel 4

Please do not waste the taxpayers money by phoning around to see if early dismissal will take place. You will be notified when appropriate.

ENEMY ATTACK

Civil Defense Signals warning of an enemy attack are sounded by sirens outside of the Federal Buildings, and operated by the Municipality of Anchorage. There are Two (2) Civil Defense Signals:

1. THE ALERT SIGNAL:

This is a steady siren wailing sound for three (3) to five (5) minutes and is intended only to ALERT individuals to listen for essential emergency information.

2. The ATTACK WARNING Signal:

This is a wavering siren wail or a series of short siren wails for three (3) to five (5) minutes and means that an actual attack against Anchorage, Alaska has been detected.

NOTE: You will be notified of action to be taken through the public address system by authorities.

QUESTIONS TO ASK:

1. When is the bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

EXACT WORDING OF THE THREAT:

Background sounds: _____

Caller's voice (calm, excited, etc.):

Age: _____ Length of call: _____

Number at which call is received:

Time: _____ Date: _____

BOMB THREAT



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

1112.1 (97)

October 27, 1989

Information Bulletin No. AK 90-17

To: All State Office Employees
From: State Director
Subject: Emergency Procedures in the Federal Building

Last year all the state office employees should have received the Emergency Handbook which provides detailed instructions on what to do in the event of an emergency in the Federal Building. If you do not have a copy of the handbook, there will be copies available by the end of October. You can pick one up from the Branch of Human Resources (971).

BLM is the lead agency for handling emergencies within the Federal Building. In the event of an emergency the State Director is the designated official in charge.

Enclosed are the names of the module wardens for the floors. These people will be recognized by "yellow" hardhats during an actual or drill emergency. Please follow their instructions.

In the event of an emergency in the building there is a plan which outlines the response; it is called the "Occupant Emergency Plan" for the Federal Building. Within the plan there is an organization which will administer the emergency. The following are excerpts from the organization:

1. Coordinator: An assistant to the designated official who implements the overall plan and manages emergency actions from the control center.
2. Firefighting and Evacuation Officer: Supervises and expedites the planned and controlled evacuation from the first floor elevator lobby, Module "E".
3. Rescue Officer: Responsible for developing a rescue team directing rescue operations during emergencies.

4. Utilization and Damage Control Officer: Controls building utilities during emergencies and directs damage control operations during emergencies.
5. First Aid Officer: Responsible for training and equipping all personnel assigned to perform first aid services in an emergency.
6. Bomb Search and Recon Officer: Responsible for training supervisory personnel in the techniques of making preliminary reconnaissance of their work areas in the event of a bomb threat.
7. Federal Protective Service: Responsible for providing protective guidance, enforcement, and security services to ensure the life safety of building occupants, and maintains the integrity of Federal property.
8. Floor Wardens: Assure total occupant evacuation from their floor in an emergency.
9. Module Wardens: Appoint hallway, stairway, and handicapped monitors and assure total occupant evacuation from their module in an emergency.

There is also a 10 minute video available to you titled "Do you know what to do in a workplace emergency ?". All employees are encouraged to view the video. It is available from our Safety Office in the Branch of Human Resources.



Francis D. Eickbush
DSD for Support Services

1 Attachment

1 - Names of Module Monitors list (2 pp)



THE SECRETARY OF THE INTERIOR
WASHINGTON

July 11, 1989

Memorandum

To: All Employees

From: Secretary *Manuel Lujan Jr.*

Subject: Safety and Health Program for the Department of the Interior

I share a commitment with all levels of Department management to provide for the safety and well-being of our employees and the public we serve; to provide a safe and healthful work environment for our employees and employees of concessioners and contractors; and to protect all Federal property under Department control from loss or damage.

The Department's Safety and Health Program is an integral part of all Department operations. We must continually work toward strengthening and improving this program - a program that will help make the workplace safer and enable us to be effective stewards of the Department's most valuable resources - its employees, visitors, and lands.

I will hold all Department managers and supervisors accountable for vigorous implementation and management of the safety and health program. Each agency shall ensure that appropriate financial, personnel and other resources are allocated to effectively implement and administer the agency's safety and health program. I also expect all employees of the Department to use work practices which will protect the safety and health of themselves, their fellow workers, and the public who visit and use Department lands and facilities.

Our goal is to strengthen the Department's accident prevention programs and to reduce accidents, injuries, illnesses and property damage. As individuals, we are already making a difference. Working together, there is no limit to what we may accomplish.

WORK HOURS, LEAVE, AND THE LIKE

Tour of Duty

The Bureau of Land Management has authorized the use of six alternate work schedules. Field going crews may participate in two variations - a Compressed Work Schedule (CWS) of 5/4 nine's or 4 ten's. Non-field going employees may participate in any of the six schedules with the approval of their supervisor.

Holiday Pay

You will receive holiday pay for work scheduled and performed on any designated Federal holiday. Work on a holiday must be approved in the same manner as overtime.

Overtime

You are eligible for overtime pay when overtime is ordered and worked. Overtime must be ordered and approved by your supervisor in advance of the work being performed.

Questions frequently arise regarding overtime under the Fair Labor Standard Act (FLSA). If you have doubt as to whether you are exempt or not covered by FLSA, check Block 10 in your most recent personnel action. If you do not understand why you are in the status you are, believe it to be incorrect, do not understand what it means, or have any other FLSA-related questions, contact the Branch of Human Resource Management, Classification Section.

Overtime for Travel

If you are an FLSA exempt employee you are generally not eligible for overtime when in travel status. If you are FLSA non-exempt you probably are eligible if any of the following apply:

- 1) All travel is accomplished on the same work day.
- 2) Your travel is on a non-work day between normal established work hours.
- 3) You are the driver, pilot, etc., of the vehicle.

Each case varies and the rules must be applied to each one. If you have any questions, contact the Division of Support Services, Branch of Field and Office Services before traveling.

Compensatory Time

Generally known as "Comp-Time", compensatory time must be approved and earned in the same manner as overtime. In most cases, employees may choose to earn overtime or "comp-time." FLSA exempt employees, however, can be ordered to work "comp-time." There are circumstances where a FLSA non-exempt employee cannot elect "comp-time." You are advised to check with the Staffing Section, Branch of Human Resource Management, if you are unsure.

Annual Leave

If you have been hired for longer than ninety (90) days you will earn 4, 6, or 8 hours of annual leave per pay period, depending on your length of Federal service. All annual leave requires approval from your immediate supervisor. Annual leave can be used in increments of as little as 15 minutes, for any personal reason. Only 240 hours may be carried over from one leave year to the next. When you leave the Federal Service, you are paid for any accumulated annual leave balance in a lump-sum.

Sick Leave

You earn four (4) hours of sick leave per pay period regardless of length of service. It can be used for any personal illness or medical or dental treatment; it cannot be used for providing care to a family member. Unlike annual leave, there is no maximum accumulation. Sick leave in excess of three (3) consecutive days requires a signed medical excuse. Civil Service Retirement System (CSRS) and CSRS Offset employees accumulative unused sick leave adds to the length of service upon retirement. Federal Employees Retirement System (FERS) employees, however, are not eligible to carry over accumulative unused sick leave at the time of retirement. If you leave the Federal Service with a sick leave balance, it is reinstated if you are re-hired within three (3) years.

Leave Without Pay (LWOP)

This is approved leave that is unpaid. A supervisor may grant it if you do not have any leave saved and request time away from work.

Maternity/Paternity Leave

There is not a leave category such as this. A supervisor can grant a combination of sick, annual, and leave without pay to meet an employee's need. However, sick leave can be granted for maternity leave only, as authorized by the attending physician.

Other Leave

There are numerous other leave categories which are seldom used. Examples are: military leave, court leave, administrative leave, etc. If you are called to jury duty or as a Government witness, you may receive a payment from the Court for the service, plus travel expenses. These jury or witness fees, excluding any associated transportation expenses, must be remitted to the Government. If you have any questions, contact your immediate supervisor or the Employee Relations Specialist, Branch of Human Resource Management.

Contact: Supervisor
 Employee Relations Specialist

Reference: BLM Manuals 1400-500 and 1400-630
 Federal Personnel Manual 551
 BLM Employee Handbook, pp. 23-29
 FPM Chapter 630

PAY - MONEY AND OTHER MATTERS

Rate of Pay

Your rate of pay is determined by the classification of assigned duties. If you are a temporary employee you probably will be paid at the first step of the grade in which you were hired. If you have previously held a permanent appointment with the Federal Government, you may be eligible for highest previous rate of pay. Contact the Branch of Human Resource Management staffing section or your immediate supervisor if you have any questions.

Payroll and Payday

You will be paid every two weeks, based on weekly time-sheet documentation. Your supervisor or time clerk will show you how to properly complete your time sheet.

Normal paydays are every other Thursday. Salary checks may arrive on the Wednesday before, or as late as Monday following the payday. However, the vast majority of pay checks are received on time. If you have not received a pay check by Monday evening following payday, you will need to contact the Staffing Section, Branch of Human Resource Management. If you receive a pay check after reporting it late, you must advise the Staffing Section to avoid a duplicate check. If the original and duplicate checks are both received, contact the Staffing Section for assistance.

In the event your entrance on duty date is in the middle of a pay period, you may not receive your first pay check for up to five (5) weeks. That first pay check would then include three weeks of pay.

Direct Deposit

You are encouraged to receive your checks through direct deposit to a financial institution. There are several advantages both to the Government and to you. Some banking institutions will grant interest-bearing free checking accounts or other valuable services if you direct deposit with them. Shop around to see what is available. The "Direct Deposit Sign-up Form," (SF-1199A) can be obtained from the Branch of Human Resource Management.

Savings Allotments

You may find it beneficial to make savings allotments to credit unions, banks, IRAs, or other financial institutions. You may also use a savings allotment to pay off a car or personal loan. Savings allotments are made on the "Direct Deposit Sign-up Form" (SF-1199A).

Savings Bonds

US Savings Bonds are an excellent way to save money each month as part of your regular savings program. You are invited to purchase bonds through the payroll deduction plan. It is recommended that you check all bonds when received to see that they are issued as authorized and that denomination and inscription data are correct. Your Staffing Assistant will help you complete the Savings Bond Authorization (SF-1192).

Special Note for Merit Pay (PMRS) Employees:

If you are covered by the Performance Management Recognition System (PMRS), you are generally entitled to merit increases and PMRS Awards in addition to comparability increases. The Service Center in Denver determines the amount of merit increases for General Merit or GM employees. These increases are similar to within-grade increases for GS & WG employees, and are usually effective the first full pay period of each fiscal year.

PMRS awards are determined by the amount of money in the Bureau's merit pay pool and the employees' performance rating through June 30th each year. These increases are usually effective the second or third quarter of each fiscal year.

Contact: Staffing Section, Branch of Human Resources

Reference: BLM Manual 1400-511
BLM Manual 1400-531
BLM Employee Handbook, pp. 9-13

RETIREMENT

There are two different retirement systems for Federal employees. They are the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). New Federal employees first paid into Social Security beginning January 1, 1984, and FERS was officially implemented on January 1, 1987. The following information and comparison of CSRS and FERS will answer most of your basic questions. If you need further information, call the Branch of Human Resource Management, Employee Relations Specialist.

- 1) FERS: Newer Federal employees under Social Security were generally hired into a permanent position on/after January 1, 1984, were generally automatically covered under FERS on January 1, 1987, with less than 5 years of creditable Federal civilian service through December 31, 1986. FERS is a three-tiered retirement plan. The three components of FERS are 1) Social Security, 2) the Basic Benefit Plan, and 3) the Thrift Savings Plan (TSP). FERS employees pay full Social Security taxes (7.65% including Medicare) and a small contribution to the Basic Benefit Plan (.80%). In addition this agency puts an amount equal to 1% of your base pay each pay period into your TSP account, even if you do not contribute. If you do contribute, the amount of your contributions are tax-deferred. You can contribute up to 10% of your base pay with the agency matching it up to 5%. Employees under FERS are encouraged to contribute as much as they can afford. Contributing up to 5% will allow the agency to contribute the maximum 5%. Eligibility for a FERS retirement depends upon your length of service and Minimum Retirement Age (MRA). Your MRA changes for those born after 1947. Your Basic Benefit formula is generally calculated by taking 1% of your highest average salary (for three consecutive years) times your total years of creditable service.
- 2) CSRS: Employees are covered under CSRS if employed in a continuous position prior to January 1, 1984, or if after that date, they are reinstated into the permanent Federal workforce with a break in service of less than one year. The employee's contribution is 7% of the base salary plus 1.45% for medicare deductions. CSRS employees may voluntarily contribute up to 5% of their base salary into the TSP account with no government match. The amount of annuity upon eligibility is approximately 36% of a CSRS annuity with 20 years of service, 46% with 25 years of service, 56% with 30 years, 66% with 35 years, etc. As with both retirement systems, the amount of annuity is based on your age, length of service, and your highest average salary (for three consecutive years). You will have a one-time opportunity to choose between remaining under or joining the newer FERS during the first six months following reinstatement.

2A) CSRS Offset: This smaller group of employees are reinstated into the Federal workforce in a permanent position with a break in service of one or more years. These employees who were reinstated on/after January 1, 1987, with 5 or more years of Federal civilian service of which some of the prior service was under CSRS. CSRS Offset employees are covered by CSRS (currently .80%) and Social Security (currently 7.65%) which includes medicare. CSRS Offset employees should consider themselves under the CSRS for eligibility and computation of the annuity amount. However, the annuity amount does reduce at age 62 when retirees become first eligible for a Social Security benefit. The amount of the reduction will be the amount of the Social Security benefit attributable to your Federal service on/after January 1, 1987, that was covered by both CSRS and Social Security. CSRS Offset employees have a one-time opportunity to choose between remaining under CSRS Offset or joining the newer FERS during the first six months following reinstatement. CSRS Offset employees may voluntarily contribute up to 5% of their base salary into the Thrift Savings Plan account with no government match. Eligibility requirements for retirement are the same as those under CSRS.

Note: Much of the above information does not apply to firefighters and law enforcement officers if their positions are approved as a Special Covered Retirement. New employees should contact the Employee Relations Specialist regarding questions concerning this group of employees.

Contact: Employee Relations Specialist

Reference: FPM Supplement 830-1
BLM Employee Handbook, pp. 15-18

OTHER RETIREMENT CONSIDERATIONS:

Alternative Form of Annuity (AFA):

If you plan to retire upon reaching the age eligibility requirements under either the Federal Employees Retirement System (FERS) or Civil Service Retirement System (CSRS), you will be eligible at that time to elect an alternative form of annuity (AFA). Under this election, your aggregate contributions are refunded at the time of retirement and a reduced life annuity is payable. Your election of an AFA will not effect a survivor annuity benefit. If you are married at the time of retirement, you must secure a waiver from your spouse in order to elect the AFA. Currently retirees would get back 50% of their retirement contributions at the time of retirement. The remaining 50% is paid one year later plus interest.

Deposits/Redeposits:

Employees in temporary positions with the Federal Government are not eligible to participate in either the CSRS or FERS retirement system. However, if you have held a temporary position at any time during your Federal career and were later converted or reinstated to permanent status, you can, if you choose, make a deposit into your retirement fund to compensate for the reduction you would otherwise experience relative to your temporary service. If you held a permanent position and received a refund under the CSRS program upon leaving, you should definitely plan to make a redeposit at the time of rehire. It should be noted that if you are under FERS there is no provision for redeposit of previously refunded FERS contributions upon rehire.

Military Deposits:

If you have prior active military service, you should contact your Employee Relations Specialist to find out how it will impact you at retirement.

FERS: You can use Post-1956 military service to meet FERS service requirements for retirement only if you make the military deposit (payable to the agency) before retirement. You have three years from appointment to make the military deposit interest-free. The amount of a FERS military deposit is 3% of your total accumulative military base earnings after 1956. If you are receiving a military retirement (20+ years of honorable military service) you should not consider waiving your military retirement as it would not be to your advantage.

CSRS/CSRS Offset: Under CSRS, you are not required to make a post 1956 military deposit. If you elect to make the deposit, payable to the agency prior to retirement, your CSRS annuity will include all former military service until you reach age 62. At that time, OPM will recompute a reduced annuity by approximately 2% of every post-1956 military service year that was not deposited. If you pay the military deposit, there will be no reduction in your CSRS annuity, whether you retire at age 62 or later. The amount of CSRS military deposit is 7% of the total accumulative post-1956 military base earnings. Under CSRS you have three years from appointment to make the military deposit interest-free. If you are receiving a military retirement you may want to consider waiving it and apply your 20+ years of military service towards your Federal CSRS length of service.

BLM recognizes that planning for retirement is an integral part of career/life planning. To help you plan effectively, you are encouraged to attend one of several pre-retirement seminars held periodically in the Federal Building every year. If you are a career employee (generally within ten years of retirement), you are eligible to attend one of these seminars. Your spouse also is encouraged to attend. If you meet the eligibility criteria, ask your supervisor about scheduling procedures.

Retirement Facts

1

The Civil Service Retirement System



This is a non-technical summary of the laws and regulations on the subject. It should not be relied upon as a sole source of information.

The information presented in this publication is a non-technical summary of the Civil Service Retirement System (CSRS) laws and regulations. It should not be relied upon as a sole source of information. Actual adjudication of individual benefits is done in conformance with the specific provisions of the CSRS laws and regulations.

Other titles in the Retirement Facts Series:

2. **Military Service Credit Under the Civil Service Retirement System**
3. **Deposits and Redeposits Under the Civil Service Retirement System**
4. **Disability Retirement Under the Civil Service Retirement System**
5. **Survivor Benefits Under the Civil Service Retirement System**
6. **Early Retirement Under the Civil Service Retirement System**
7. **Computing Retirement Benefits Under the Civil Service Retirement System**
8. **Credit for Unused Sick Leave Under the Civil Service Retirement System**
9. **Refunds Under the Civil Service Retirement System**
10. **Voluntary Contributions Under the Civil Service Retirement System**

If you want information on the Federal Employees Retirement System (FERS), ask your employing office for a copy of "FERS" (RI 90-1).

When You May Retire

You may retire under the Civil Service Retirement System (CSRS) at the following ages, and receive an immediate annuity, if you have at least the amount of Federal service shown:

Type of Retirement	Minimum Age	Minimum Service (Years)	Special Requirements
Optional	62	5	None
	60	20	None
	55	30	None
	50	20	You must retire under special provisions for air traffic controllers or law enforcement and firefighter personnel. Air traffic controllers can also retire at any age with 25 years of service.
	Any age*	25	Your agency must be undergoing a major reorganization, reduction-in-force, or transfer of function as determined by the Office of Personnel Management.
	50*	20	
Discontinued Service	Any age*	25	Your separation must be involuntary and not for misconduct or delinquency.
	50*	20	
Disability	Any age	5	You must be disabled for useful and efficient service in your current position and any other vacant position at the same grade or pay level within your commuting area and current agency for which you are qualified.

*Annuity is reduced if under age 55.

How Annuities Are Computed

Your basic annuity is computed on your length of service (which includes unused sick leave if you retire on an immediate annuity) and "high-3" average pay. Your "high-3" average pay is the highest average basic pay you earned during any 3 consecutive years of service. Generally, your basic annuity cannot be more than 80 percent of your "high-3" average pay, but if the amount over 80 percent is due to crediting your unused sick leave, it is payable.

Your yearly basic annuity is computed by adding: (a) $1\frac{1}{2}$ percent of your "high-3" average pay times service up to 5 years, (b) $1\frac{3}{4}$ percent of your "high-3" pay times years of service over 5 and up to 10, (c) 2 percent of your "high-3" pay times years of service over 10.

Your basic annuity will be reduced if: (a) you retire before age 55 (unless you retire for disability or under the special provisions for law enforcement officers, air traffic controllers, and firefighters); (b) you didn't make a deposit for service performed prior to October 1, 1982, during which no deductions were taken from your pay; or (c) you provide for a survivor annuitant.

Your annuity will be increased periodically by cost-of-living increases that occur after you retire. Your initial cost-of-living increase will be prorated based on how long you have been retired when that cost-of-living increase is granted.

Credit for Military Service

As a general rule, military service in the Armed Forces of the United States is creditable for retirement purposes if it was active service, terminated under honorable conditions, and performed prior to your separation from civilian

service for retirement. Military service performed on or after January 1, 1957, is normally creditable for Social Security benefits at age 62. Individuals first employed before October 1, 1982, have the option of either (1) making a 7 percent deposit for post-1956 military service, thereby avoiding a reduction in their CSRS annuity at age 62, or (2) not making the deposit and having their annuities adjusted at age 62 if they are then eligible for Social Security benefits. Employees first hired by the Federal Government on or after October 1, 1982, must make the deposit or receive no credit at all when they retire.

Disability Retirement

If you retire for disability, you may be guaranteed a minimum annuity equal to the smaller of: (a) 40 percent of your "high-3" average pay, or (b) the regular annuity obtained after increasing your service by the time between your retirement and your 60th birthday. This guaranteed minimum applies if you are under age 60 when you retire and your earned annuity is less than this minimum.

Exception: The guaranteed minimum does not apply if you are receiving military retired pay and/or VA compensation in lieu of all or part of the military retired pay. However, if your earned annuity plus your military benefit (or compensation) is less than what it would have been under the guaranteed minimum, the annuity is increased to bring it up to that level.

If You Retire Before Age 55

If you voluntarily retire during a major reorganization, reduction-in-force, or transfer of function, or if you are involuntarily separated and are younger than 55, your basic annuity will be reduced by one-sixth of 1 percent for each full month you are under 55.

There is no age reduction if you retire under the disability provision or under the special provisions for air traffic controllers, law enforcement officers, and firefighters.

If You Should Die in Service

If you die while covered by CSRS after 18 months of civilian service, your widow(er) will get an annuity, provided you were married for a total of 9 months. The 9-month requirement does not apply if your death is accidental or there is a child of the marriage.

Generally, your widow(er) is entitled to 55 percent of the basic annuity earned by your creditable service and average salary. However, if it will produce a higher annuity, your widow(er) will receive a guaranteed minimum yearly annuity which is 55 percent of the lesser of: (a) 40 percent of your "high-3" average pay, or (b) the regular annuity obtained after increasing your service by the time between your death and the date you would have reached age 60, with certain exceptions.

Note: If you have a former spouse from whom you were divorced after May 6, 1985, he or she may receive, by court order, all or a part of the annuity that your widow(er) would otherwise get.

Your unmarried children will also be entitled to annuities if you die in service. Their annuities will continue until they reach age 18 -- or age 22 if they remain in school. The annuity of a child who is incapable of self support because of a disability incurred before age 18, will continue indefinitely unless the child becomes capable of self support.

Providing for Your Survivors on Retirement

If you are married when you retire, your annuity will be reduced to provide a survivor annuity for your spouse (unless he or she consents to a lesser benefit). To provide for a survivor annuity, your annuity will be reduced by 2.5 percent of the first \$3,600, plus 10 percent of the annuity over \$3,600. The survivor annuity will be 5.5 percent of the amount of your annuity before this reduction. Note: If you were divorced after May 6, 1985, your former spouse may receive, by court order, all or part of the survivor annuity that your current spouse would otherwise get.

If you are not retiring for disability, and are in reasonably good health, you can provide a survivor annuity for a person who has an "insurable interest" in you -- such as a relative who is in your care, or a current spouse who would not otherwise get a survivor annuity because of a court-ordered award to a former spouse. To provide this benefit, your annuity would be reduced from 10 to 40 percent depending on the difference in your age and the age of the person named. This reduction would be added to any reduction required to provide a survivor annuity for a spouse or former spouse.

If You Leave the Service

If you leave Federal employment before you complete 5 years of service, you can have your retirement deductions returned to you. If you leave after completing at least 5 years of service, but before you are eligible for an "immediate" annuity, you can either have your deductions returned or leave the money in the retirement fund. If you leave your money in the fund, you will be entitled to a "deferred" annuity at age 62.

Making Payments for Previous Service

If retirement deductions were not taken from your pay during certain periods of service, you will need to pay these deductions into the retirement fund to receive full credit for the service.

If you had a refund of retirement deductions for prior service, you must repay this money into the retirement fund to receive credit for service in your retirement benefits.

Alternative Form of Annuity

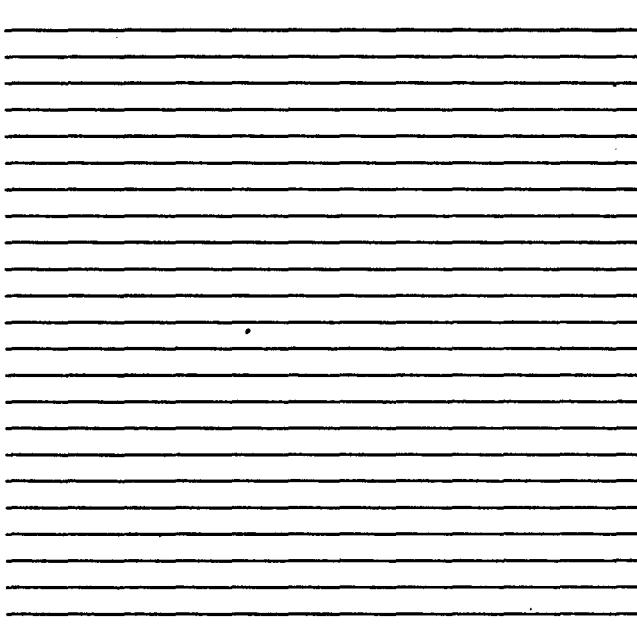
If you are not retiring for disability, and have no former spouse who is entitled to court-ordered benefits based on your service, you can choose to receive an Alternative Form of Annuity. Under this plan, you receive a reduced monthly benefit, plus a lump-sum payment equal to all your contributions to the retirement fund. The amount of reduction in your monthly benefit depends on your age at the time you retire, and the amount of your retirement contributions. Your election of an Alternative Form of Annuity will not affect the potential survivor annuity payable to your spouse or children. However, you must have your spouse's consent to make this election.

CSRS Offset Employees

You are a "CSRS Offset" employee if you are one of the relatively few employees covered by CSRS and Social Security at the same time. You will be eligible to receive a CSRS annuity just as if you were covered by CSRS alone, except that the annuity payment will be reduced when you become eligible for Social Security benefits (usually at age 62). The amount of the reduction will be the amount of the Social Security benefit attributable to your service after 1983 that was covered by both CSRS and Social Security.



Federal Employees Retirement System



This booklet contains highlights of the Federal Employees Retirement System (FERS). It is not meant to provide a detailed explanation of all the plan provisions.

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Introduction

Retirement...a time for reflection, rest and enjoyment . . . a rewarding time. But, a rewarding retirement doesn't just happen. It takes careful planning. Knowing when you can retire and where you will stand financially are important parts of that planning process. The financial security you will have in the future depends, in part, on the plans you make today.

Recognizing the importance of your future, the Federal government offers a retirement program that helps provide financial security for you and your family. You are a participant in the **Federal Employees Retirement System (FERS)**. This is one of the most important benefits you receive as a Federal employee.

FERS is the new Federal retirement system that is responsive to the changing times and Federal work force needs. Many of its features are "portable," so that if you leave Federal employment, you may still qualify for the benefits. FERS is flexible; you will be able to choose what is best for your individual situation. And FERS enables you to take an active role in securing your future.

This booklet highlights the main features of the **Federal Employees Retirement System (FERS)**.

Overview

Why FERS?

The need for a new retirement system for Federal employees began with Public Law 98-21, which provided that Federal employees hired after December 31, 1983 would be covered by Social Security.

A second law, Public Law 98-168, provided for a transition period from January 1, 1984 to January 1, 1986 for employees hired after December 31, 1983. During this period employees were fully covered under the Civil Service Retirement System (CSRS) and Social Security benefits. This transition period was extended to December 31, 1986 with the passage of Public Law 99-335, which established the Federal Employees Retirement System (FERS).

Effective Dates

The new Federal Employees Retirement System became effective January 1, 1987. Almost all new employees hired after December 31, 1983 are automatically covered by FERS. Certain other Federal employees not covered by FERS have the option to transfer into FERS.

The Components

FERS is a three-tiered retirement plan.

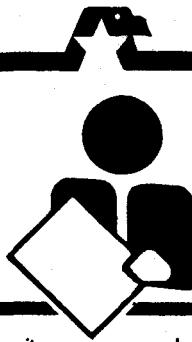
The three components are:

- Social Security Benefits
- Basic Benefit Plan
- Thrift Savings Plan

You pay full Social Security taxes and a small contribution to the Basic Benefit Plan. In addition, your agency puts an amount equal to 1% of your basic pay each pay period into your Thrift Savings Plan account. You are able to make tax-deferred contributions to the Plan and a portion is matched by the government.

The three components of FERS work together to give you a strong financial foundation for your retirement years.

Social Security Benefits



The first part of FERS is Social Security.

What is Social Security?

For purposes of FERS, the term "Social Security" means benefit payments provided to workers and their dependents who qualify as beneficiaries under the Old-Age, Survivors and Disability Insurance (OASDI) programs of the Social Security Act. OASDI replaces a portion of earnings lost as a result of retirement, disability or death. It is designed to provide benefits that replace a greater percentage of earnings for lower-paid workers than for higher-paid workers.

As an employee with FERS coverage, you have OASDI coverage. You also are covered under Social Security's Medicare Hospital Insurance program. This pays a portion of hospital expenses incurred while you are receiving Social Security disability benefits or retirement benefits at age 65 or older.

Social Security Benefits

Social Security OASDI programs provide:

- monthly benefits if you are retired and have reached at least age 62, and monthly benefits during your retirement for your spouse and dependents if they are eligible;
- monthly benefits if you become disabled and benefits for your spouse and dependents if they are eligible

- during your disability;
- monthly benefits for your eligible survivors;
- a lump sum benefit upon your death.

To become eligible for benefits, you and your family must meet different sets of requirements for each type of benefit. An underlying condition of payment of most benefits is that you have paid Social Security taxes for the required period of time.

The amount of monthly benefits you receive is based on three fundamental factors:

- average earnings upon which you have paid Social Security taxes, which are adjusted over the years for changes in average earnings of the American work force;
- family composition (for example, whether you have a spouse or dependent child who may be eligible for benefits);
- Consumer Price Index (CPI) changes that occur after you become entitled to benefits.

Benefits are subject to individual and family maximums.

Once benefits begin, their continuation may depend upon your meeting a variety of conditions. For example, if you have earnings that exceed specified amounts while you are under age 70, your Social Security benefits will be reduced or stopped. There are no special Social Security rules for FERS participants, including those who transfer to FERS.

Social Security Taxes

Most of the cost of Social Security is paid for through payroll taxes. Each year you pay a percentage of your salary up to a specified earnings amount, called the maximum taxable wage base. The Federal government, as your employer, pays an equal amount.

The maximum taxable wage base is \$48,000 in 1989. It increases automatically each year based on the yearly rise in average earnings of the American work force.

The Social Security tax covers both the OASDI and Medicare Hospital Insurance programs. The Medicare portion you and your agency each pay is 1.45% up to the maximum taxable wage base. No increases are scheduled in the Medicare portion of the Social Security tax.

The percentages you each pay for OASDI coverage are as follows:

1986 and 1987	5.70%
1988 and 1989	6.06%
After 1989	6.20%

Basic Benefit Plan



The second part of FERS is the Basic Benefit plan.

Eligibility Participation

If you were automatically covered by FERS, or you elected to transfer from the CSRS to FERS, you will participate in the Basic Benefit plan.

Vesting

To be vested, i.e., eligible to receive your retirement benefits from the Basic Benefit Plan, even if you leave Federal service before retiring, you must have at least five years of creditable civilian service. Survivor and disability benefits are available after 18 months of service.

Creditable Service

Creditable service generally includes:

- Federal civilian service for which contributions have been made or deposited.
- Military service, subject to a deposit requirement. To receive credit for post-1956 military service, you must deposit 3% of your military base pay. Interest begins two years after you are hired, or January 1, 1989, whichever is later. With certain exceptions, you cannot receive credit for military service if you are receiving military retired pay.
- Leaves of absence for performing military service or while receiving workers' compensation.

Unused sick leave is not converted into creditable service for any purpose. (There is a limited exception for CSRS employees who transfer to FERS.)

Credit is not allowed for civilian service after 1988 when no contributions were withheld.

Contributions

Your contribution to the Basic Benefit Plan is the difference between 7% of your basic pay and Social Security's OASDI tax rate as shown below:

YEAR	YOUR CONTRIBUTION
1987	1.30%
1988-89	0.94%
After 1989	0.80%

Refunds

You may withdraw your FERS contributions if you leave Federal employment. However, if you do, you will not be eligible to receive benefits based on service covered by the refund. There is no provision in the law for the redeposit of FERS contributions that have been refunded.

Retirement Options

There are three categories of retirement benefits in the Basic Benefit Plan:

- Immediate
- Early
- Deferred

Eligibility is determined by your age and number of years of creditable service.

In some cases, you must have reached the **Minimum Retirement Age (MRA)** to receive retirement benefits. The following chart shows the MRA.

Minimum Retirement Age

If you were born	Your MRA is
Before 1948	55
In 1948	55 and 2 months
In 1949	55 and 4 months
In 1950	55 and 6 months
In 1951	55 and 8 months
In 1952	55 and 10 months
In 1953 through 1964	56
In 1965	56 and 2 months
In 1966	56 and 4 months
In 1967	56 and 6 months
In 1968	56 and 8 months
In 1969	56 and 10 months
In 1970 and after	57

* *Reduced benefit* means if you retire at the MRA with at least 10 but less than 30 years of service, your benefit will be reduced at the rate of 5% a year for each year you are under age 62, unless you have 20 years of service and your annuity begins at age 60 or later.

Immediate

If you meet one of the following sets of age and service requirements, you are entitled to an immediate retirement benefit.

AGE	YEARS OF SERVICE
62	5
60	20
MRA	30
MRA	10*

*(reduced benefit)

Early

The early retirement benefit is available in certain involuntary separation cases and in cases of voluntary separations during a major reorganization or reduction in force. To be eligible, you must meet the following requirements:

AGE	YEARS OF SERVICE
50	20
Any Age	25

Deferred

If you leave Federal service before you meet the age and service requirements for an immediate retirement benefit, you may be eligible for deferred retirement benefits. To be eligible, you must have completed at least five years of creditable civilian service. You may receive benefits when you reach one of the following ages:

AGE	YEARS OF SERVICE
62	5
60	20
MRA	30
MRA	10*

*(reduced benefit)

Benefit Formula

How your benefit is calculated

Your benefit is based on your "high-three average pay." This is figured by averaging your highest basic pay over any three consecutive years of creditable service.

Generally, your benefit is calculated according to this formula:

**1% of your high-three average pay
times
years of creditable service**

If you retire at age 62 or later with at least 20 years of service, a factor of 1.1% is used rather than 1%.

Depending on the category of retirement benefits you receive, your benefit may be reduced as described in the Retirement Options section. For example, the total could be reduced if you elect to retire at the MRA before completing 30 years of service.

Special Retirement Supplement

If you meet certain requirements, you will receive a Special Retirement Supplement which is paid as an annuity until you reach age 62. This supplement approximates the Social Security benefit earned while you were employed by the Federal government. You may be eligible for a Special Retirement Supplement if you retire:

- After the Minimum Retirement Age (MRA) with 30 years of service;
- at age 60 with 20 years of service;
- upon involuntary retirement. You will receive the Special Retirement Supplement beginning at the applicable MRA until age 62.

If you have earnings that exceed specified amounts, your Special Retirement Supplement will be reduced or stopped.

Survivor Benefits

The Basic Benefit Plan provides benefits for survivors of Federal employees and retirees.

Spouse

If you die while you are an employee...

If you are married and have worked for the Federal government for 18 months and you die while you are an active employee, your surviving spouse receives:

A lump sum payment equaling \$15,000

(Indexed to the Cost-of-Living Adjustment for annuitants)

plus

the higher of

1/2 of your annual pay rate at death or

1/2 of your high-three average pay.

If you had 10 years of service, your spouse also receives an annuity equaling 50% of your accrued basic retirement benefit. These benefits are paid in addition to any Social Security, group life insurance or savings plan survivor benefits.

If you die while you are a retiree...

A married retiree's annuity is automatically reduced to provide spouse survivor benefits unless those benefits are jointly waived in writing by the retiree and the spouse before retirement.

Your annuity is reduced 10% to give your surviving spouse:

An annuity of 50% of your unreduced benefit plus

a special supplementary annuity payable until age 60 if your spouse will not be eligible for Social Security survivor benefits until age 60.

You and your spouse may choose instead to have your annuity reduced by 5% to give your spouse an annuity of 25% of your unreduced benefit at your death.

Separate provisions apply to spouses of disabled annuitants.

Former Spouses

A former spouse may receive survivor benefits as provided in a retiree election or a qualifying court order.

Children

If you have 18 months of civilian service and die while you are an active employee, or if you have retired, your children may be eligible to receive an annuity. This benefit is payable to each unmarried child:

- up to age 18;
- up to age 22 if a full time student;
- at any age if the child became disabled before age 18.

The amount of the FERS benefit depends on the number of children and if the children are orphaned. In 1989 the FERS surviving child benefit is approximately \$ 3,072 per child for each of three children; \$ 3,696 if orphaned. This is reduced dollar for dollar by any Social Security children's benefits that may be payable.

Disability Benefits

FERS disability benefits can help you replace part of your income, whether you are disabled for a short time or unable to work for a prolonged period.

What Does Disability Mean?

You are considered disabled under FERS if you are unable to perform useful and efficient service in your position because of disease or injury. However, you will not be considered disabled if you decline your agency's offer of a position which accommodates your disability and is at the same grade or pay level and is within your commuting area.

You may also qualify for Social Security disability benefits if you are unable to work in any substantial gainful activity.

Eligibility

To qualify for FERS disability benefits, your disabling condition must be expected to last at least one year, and you must have at least 18 months of creditable civilian service.

The Benefits

The first year:

**60% of your high-three average pay
minus**

**100% of any Social Security disability
benefits to which you are entitled.**

After the first year and until age 62, if your disability prevents you from performing your job and you do not qualify for Social Security disability benefits, your benefit will be:

**40% of your high-three
average pay.**

If you do qualify for Social Security benefits, your disability benefit will be reduced by 60% of the initial Social Security benefit to which you are entitled. The resulting total will be equal to at least 40% of your high-three plus 40% of your Social Security disability benefits.

When you reach age 62 your disability benefit will be recomputed. Essentially, you will receive the annuity you would have received if you had not been disabled, but had continued working until age 62. For purposes of this recomputation, your average salary will be increased by all FERS cost-of-living adjustments that took effect while you were receiving a disability annuity.

If you are a disability retiree under age 60 and your total income from work in a calendar year exceeds 80% of the current pay level of your former job, the disability benefits will be discontinued. In addition, you may be required to provide proof periodically that you have not recovered from your disability.

Cost-of-Living Adjustments (COLA's)

As a regular retiree, you receive a Cost-of-Living Adjustment (COLA) if you are age 62 or older.

Survivors and disability retirees receive a COLA regardless of their ages.

The amount of the annual COLA percentage is based on the increase in the Consumer Price Index (CPI):

<u>INCREASE IN CPI</u>	<u>ANNUAL COLA PERCENTAGE</u>
Up To 2%	Same as CPI increase
2% to 3%	2%
3% or more	CPI increase minus 1%

The Special Retirement Supplement for retirees is not increased by COLA's; the Supplement for survivors is increased by COLA's.

Forms of Payment

FERS Basic Benefits are generally paid in the form of a monthly annuity. Non-disabled retirees have an option of withdrawing an amount equal to their own contributions in a lump sum and receiving a reduced annuity.

Thrift Savings Plan



The third part of your FERS benefit is the Thrift Savings Plan (TSP), a special tax-deferred savings plan for Federal employees. It is comparable to similar plans offered by many private employers. The TSP offers participants tax-deferral advantages similar in many ways to those of the well-known Individual Retirement Account (IRA).

Your personal savings are a very important part of your future financial security. By participating in the TSP, you have the opportunity to save part of your income for retirement and reduce your current taxes. Your agency establishes a TSP account for you and automatically contributes an amount equal to 1% of your basic pay each pay period. When you make contributions to your account through payroll deductions your agency will also match part of your contributions. You decide how your money will be invested.

The TSP is managed by the Federal Retirement Thrift Investment Board. For additional information about the TSP, ask your agency employing office for detailed material developed by the Thrift Investment Board. You should read the material carefully before making any TSP decisions.

Eligibility

All Federal employees covered by FERS are eligible to participate in the TSP. Newly hired FERS employees generally have a 6-to-12 month waiting period before they can begin to participate.

Once you are eligible to participate in the TSP, you may make decisions about your TSP contributions twice a year during open seasons. You may stop contributing at any time. Specific rules on when you will be eligible to participate in the TSP are given in the Thrift Investment Board's detailed informational material.

Contributions

As a FERS employee, there are three types of TSP contributions available to you:

- Your own contributions
- Agency automatic 1% contributions
- Agency matching contributions

Once you are eligible to participate, your agency will set up a TSP account for you and will automatically contribute an amount equal to one percent of your basic pay each pay period. This is the Agency Automatic 1% Contribution and is made by your agency whether or not you contribute your own money to the Plan. Also, once you are eligible, you may contribute up to 10% of your basic pay each pay period to the Plan up to a maximum amount established by the Internal Revenue Service, adjusted annually (e.g., \$7,627 in 1989). If you do contribute to the Plan, you will also receive Agency Matching Contributions according to the following schedule:

<u>Your Contribution</u>	<u>Agency Match</u>
First 3% of Basic Pay	\$1.00 for each \$1.00 you contribute
Next 2% of Basic Pay	\$.50 for each \$1.00 you contribute
Next 5% of Basic Pay	0

Your agency's contributions are not taken out of your salary; they are an extra benefit to you. While your agency will only provide matching contributions on your contributions up to 5% of your basic pay each pay period, you still benefit from before-tax savings and tax-deferred earnings on amounts you contribute in excess of 5% of your basic pay each pay period.

Investing and Moving your Savings

As a FERS employee, you may choose to invest part of the money in your TSP account in one or all of the three investment Funds described below. The Funds differ in the rate of return and amount of risk involved. You can change the amount or type of investment for new contributions twice a year during the open seasons announced by the Thrift Investment Board. In addition, you can move a portion of your account balance among the three investment Funds in connection with each open season.

Government Securities Investment (G) Fund

The G Fund consists of investments in short-term nonmarketable U.S. Treasury securities specially issued to the Plan. All investments in the G Fund earn interest at a rate that is equal, by law, to the average of market rates of return on U.S. Treasury marketable securities outstanding with four or more years to maturity. The G Fund is managed by the staff of the Thrift Investment Board.

Certain percentages of contributions are restricted to the G Fund as shown in the following schedule. The remaining percentage of your contribution (your unrestricted contributions) may be invested in any of the three Plan Funds.

Percentage Required to be Invested
in the G Fund*

Year	Employee Contributions	Agency Contributions
1987	100%	100%
1988	80%	100%
1989	60%	100%
1990	40%	100%
1991	20%	100%
1992	0%	100%
1993	0%	80%
1994	0%	60%
1995	0%	40%
1996	0%	20%

* After 1996, all monies may be invested in any of the three Plan Funds at the participant's option.

Fixed Income Index Investment (F) Fund

Contributions to the F Fund will be invested in fixed income securities such as notes, bonds, or other obligations which return the amount invested and pay interest at a specified rate over a given period of time. Like the C Fund, the F Fund is managed by a private sector investment manager competitively selected by the Thrift Investment Board. You can achieve high rates of return in the F Fund in declining interest rate environments, but you can lose money when interest rates rise.

Tax Advantages

There are two major tax advantages to the Plan. First, you pay current Federal income taxes only on your salary after your contributions have been deducted. Second, you do not pay current Federal income taxes on the earnings you receive on your TSP account balance. Most states allow the same savings on their income taxes. These tax advantages continue until you withdraw your account balance--usually at retirement when your tax bracket may be lower. If you leave Federal service before you are eligible to retire, you may transfer your TSP account balance to an Individual Retirement Account or other eligible retirement plan and continue to defer taxes.

Common Stock Index Investment (C) Fund

The C Fund gives participants the opportunity to diversify their investments and to participate broadly in the U.S. stock markets. Your contributions will be invested in all or many of the stocks in a stock index, such as the Standard and Poor's 500. The C Fund is managed by a private sector investment manager competitively selected by the Thrift Investment Board. You can achieve a high, long-term rate of return by investing in the C Fund, but you also risk losses in this Fund.

Loan Program

If you have at least \$1,000 of your own contributions (including associated earnings) in your TSP account and have the required documentation, you may borrow from these amounts for:

- Purchase of a primary residence
- Educational expenses
- Medical expenses
- Financial hardship

You will pay interest on the loan at the G Fund rate in effect at the time your application is received. The rate is fixed for the life of the loan and the interest you pay will go back into your own Plan account.

Withdrawing Your Funds

TSP is a long-term plan for retirement savings with special tax advantages. You may not withdraw your funds from the Plan while you are employed with the Federal government. Depending on your eligibility for basic retirement benefits (including disability retirement and workers' compensation benefits) when you leave the Federal service, you may choose from among one or more of the following withdrawal options:

- Transfer your vested account balance to an IRA or other eligible retirement plan. (This is the only option available to those who leave the Federal civilian service before becoming eligible for basic retirement benefits, generally less than five years of service.)

- Receive your account balance in a lump sum payment when you reach retirement age.
- Receive your account balance in equal monthly installments when you reach retirement age.
- Receive a TSP life annuity purchased with the balance in your account.
- Leave your account balance in the Plan, if eligible.

If you retire before the year in which you reach age 55 and withdraw your account balance in a lump sum or equal monthly payments before you reach age $59\frac{1}{2}$, you may incur a tax penalty on all amounts you receive before you become age $59\frac{1}{2}$.

Vesting

Vesting occurs when you will no longer lose the Agency Automatic 1% Contributions if you leave the Federal service. You are vested in the Agency Automatic 1% Contributions after completing three years of civilian service; Congressional and certain noncareer employees are vested after completing two years of civilian service. You are immediately vested in your own contributions and Agency Matching Contributions (and earnings associated with both). If you die in service before satisfying the vesting requirements, all amounts are automatically deemed vested.

Special Groups of Employees

Firefighters

Law Enforcement Officers

Air Traffic Controllers

These groups of employees receive an unreduced benefit at age 50 with 20 years of service, or at any age with 25 years of service. If you are in one of these employee groups, you contribute an additional 0.5% of pay to FERS.

Your annual annuity is:

1.7% of your high-three average pay times

years of service up to 20 plus

1.0% of your high-three average pay times

years of service exceeding 20.

You also receive a Special Retirement Supplement until age 62 that approximates the Social Security benefit earned in Federal service. After you reach the Minimum Retirement Age (MRA), if you have earnings that exceed specified amounts, your supplement will be reduced or stopped. In addition, you are entitled to an annual COLA, regardless of your age.

Military Reserve Technicians

If you are a military reserve technician who loses the military status required to maintain your position, you may retire and receive an unreduced annuity if you are at least age 50 with 25 years of service.

In addition, a Special Retirement Supplement is payable until age 62. After you reach the Minimum Retirement Age (MRA), if you have earnings that exceed specified amounts, your supplement will be reduced or stopped.

Part-Time Employees

In calculating the annuity for employees with part-time service, the average high three consecutive years of pay will be based on the full-time pay rate. The benefit based on the full-time rate is reduced according to the part-time schedule.

Enrolling in FERS

Members of Congress

Congressional Employees

Members of Congress receive an unreduced annuity at age 50 with 20 years of service, or at any age with 25 years of service. Congressional employees must meet the age and service requirements explained in the Basic Benefit Plan section.

If you are a Member of Congress or a Congressional employee, with at least five years of Congressional service, your annuity will be:

1.7% of high-three average pay times
years of Congressional service
up to 20
plus
1.0% of high-three average pay times
any other service.

A Special Retirement Supplement is payable from Minimum Retirement Age to age 62. If you have earnings that exceed specified amounts, your supplement will be reduced or stopped.

COLA's are payable to Congressional retirees before age 62 only if they retire for disability.

Members of Congress and Congressional employees contribute an additional 0.5% of pay to FERS.

New Employees

All new employees hired after December 31, 1986 are automatically covered by FERS. The exceptions are anyone who is not eligible for Social Security coverage, or certain persons with non-Federal service which is creditable under the CSRS.

Rehires

If you leave government service and return within one year and you were previously covered under CSRS (without Social Security), then you will be covered by CSRS upon reemployment. However, you may elect to transfer to FERS, in which case you will be covered by Social Security.

If you leave government service and return after more than one year and you were previously covered under CSRS, then you are automatically covered by Social Security and:

- If you have less than five years under CSRS, you are automatically covered by FERS. In determining whether you have five years of service which is creditable under CSRS, count all civilian service, even though it may not have been covered by CSRS deductions, or you may have received a refund of CSRS deductions. You will receive credit for your CSRS service if you make any payments for your past service that may be required.

- If you have five or more years under CSRS, you are covered by CSRS Offset. Your CSRS contributions are reduced by 100% of your Social Security OASDI taxes. Your CSRS benefit will be offset by any Social Security benefit attributable to your Federal service.

If you are rehired under CSRS or CSRS Offset, you may elect to transfer to FERS within six months of reemployment. If you elect to transfer to FERS, the following rules apply.

- Your credit in CSRS is frozen, but your combined CSRS and FERS annuity will be based on the average of your highest three consecutive years of pay.
- You will receive a full CSRS COLA on the CSRS portion of your annuity.
- Your service after the date of transfer is treated under FERS rules. (If you were under CSRS Offset, your offset service is also treated under FERS rules.)
- All service (CSRS and FERS) counts toward years needed to be eligible for retirement, disability, survivor and Saving Plan benefits under FERS.
- All survivor and disability benefits are paid under FERS rules.

- Unused sick leave is credited under CSRS rules based on the amount accumulated at the date of transfer or date of retirement, whichever is lower.
- You have Social Security coverage when you enroll in FERS.
- You will receive government contributions to your TSP account and avoid the 6-12 month waiting period for participation.

Note: If you never had any prior CSRS coverage, you will automatically be covered by FERS.

Conversions

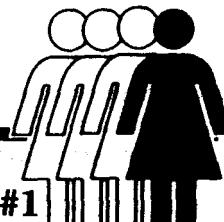
If you are converted from an appointment which is excluded from FERS coverage to an appointment which is not excluded, generally you will automatically be covered by FERS. If you are not automatically covered by the plan, you will have a 6-month opportunity to transfer to it.

Note: If you are eligible to elect FERS coverage because of being rehired or converted to a different appointment, you should have the "FERS Transfer Handbook--A Guide To Making Your Decision" (RI 90-3). Your personnel office should provide it to you.

Examples

The following examples illustrate the minimum benefits that you can expect to receive under FERS. In reviewing these examples, note that the benefits shown are estimates, based upon certain assumptions about future salary increases, investment return and other factors, which directly affect your final level of benefits.

In these examples, estimated Social Security benefits do not include any spousal or dependent benefits that may be available and which could significantly increase the Social Security benefit shown. All benefits are expressed in 1986 dollars. Benefits have been rounded to the nearest ten dollars and percentages may not total exactly due to rounding.



Examples #1

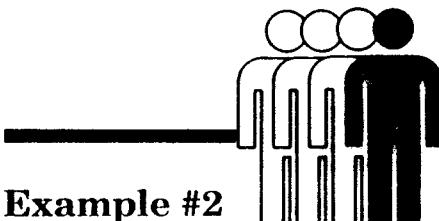
Mary is a clerical employee who retires at age 62 under FERS in 2016 after 30 years of creditable service. Her final year salary is \$20,000 and her final average three-year salary is \$18,970. Including five years of employment outside of the Federal government, Mary had a total of 35 years of Social Security covered employment. Each pay period Mary also contributed 2% of her salary to the Thrift Savings Plan, which was matched by a Federal government contribution of 3 % of Mary's salary, which includes the government's automatic 1% contribution.

Mary's estimated retirement benefit under FERS is:

Initial FERS Benefit	Annual Benefit	
	Dollar Amount	As % of Final Year's Salary
Social Security	\$ 4,840*	24%
Basic FERS (1.1% x \$18,970 x 30 years)	6,260	31
Thrift Savings Savings	2,360	12
Total	\$13,460	67%

* \$4,150 of which is attributed to Federal service.

If Mary had contributed 5% of her salary to the Thrift Savings Plan, rather than 2%, her yearly Thrift Savings Plan benefit would have been \$4,720. This would have increased Mary's total initial FERS benefit to \$15,820 per year--79% of her final year's salary of \$20,000.



Example #2

Harry is a Federal manager who retires at age 62 under FERS in 2016 after 30 years of creditable service. His final year salary is \$50,000 and final average three-year salary is \$47,420. Including five years of employment outside of the Federal government, Harry had a total of 35 years of Social Security covered employment.

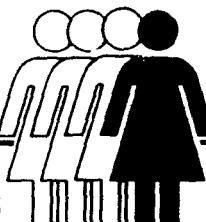
Each pay period Harry also contributed 2% of his salary to the Thrift Savings Plan, which was matched by a Federal government contribution of 3% of Harry's salary. Harry's estimated retirement benefit under FERS is:

Initial FERS Benefit	Annual Benefit	
	Dollar Amount	As % of Final Year's Salary
Social Security	\$ 7,700*	15%
Basic FERS (1.1% x \$47,420 x 30 years)	15,650	31
Thrift Savings Plan	5,700	11
Total	<u>\$29,050</u>	<u>58%</u>

*\$6,600 of which is attributed to Federal service.

As a percentage of final year's salary, Harry receives a total FERS retirement benefit that is 9% lower than Mary's in Example #1, because Social Security replaces a greater portion of earnings of lower-paid employees than higher-paid employees.

If Harry had contributed 5% of his salary to the Thrift Savings Plan rather than 2%, his yearly Thrift Savings Plan benefit would have been \$11,400. This would have increased Harry's total initial FERS benefit to \$34,750 per year--69% of his final year's salary of \$50,000.



Example #3

Jane is an administrator who retires at age 57 under FERS in 2016 after 30 years of creditable service. Her final year salary is \$47,580 and her final average three-year salary is \$44,760. Including five years of employment outside of the Federal government, Jane had a total of 35 years of Social Security covered employment. Each pay period Jane contributed 2% of her salary to the

Thrift Savings Plan, which was matched by a Federal government contribution of 3% of Jane's salary. Because Jane retired before age 62 with 30 years of service, she also is entitled to the Special Retirement Supplement under FERS until age 62 when Social Security retirement benefits may begin.

Jane's estimated retirement benefit under FERS is:

Initial FERS Benefit	Annual Benefit	
	Dollar Amount	As % of Final Year's Salary
Special Retirement Supplement	\$ 5,720	12%
Basic FERS (1% x \$44,760 x 30 years)	13,430	28
Thrift Savings Plan	4,330	9
Total	\$23,480	49%

If Jane had contributed 5% of her salary to the Thrift Savings Plan rather than 2%, her annual Thrift Savings Plan benefit would have been \$8,660. This would have increased Jane's total initial FERS benefit to \$27,810 per year--58% of her final year's salary of \$47,580.

For More Information

There are four sources which will help you if you have questions or want more information about FERS.

Inquiries should be directed to the:

- **Personnel Office** in your agency . . . for questions concerning your individual situation.
- **Social Security Administration** . . . for question concerning your Social Security benefits.
- **Thrift Board** . . . for questions concerning the Savings Plan.
- **Office of Personnel Management** . . . for questions concerning the Basic Benefit Plan.

Notes



**United States
Office of
Personnel
Management**

Retirement and
Insurance
Group

Washington, D.C. 20415

LIFE INSURANCE

The Federal Employees Group Life Insurance (FEGLI) Booklet 2817-A is very informative and will help answer your questions concerning life insurance. A couple of points to remember:

- 1) Federal Employees' Group Life Insurance is term life insurance;
- 2) If you decline the insurance when given the first opportunity there are restrictions to electing it at a later date.
- 3) "Open Seasons" are rare. There have only been two in the past 15 years.
- 4) Single employees without dependents or married employees who wish to designate beneficiaries outside the normal order of precedence are encouraged to complete Form SF-2823, FEGLI Designation of Beneficiary.
- 5) Employees have 31 days from effective date of hire/reinstatement to return the SF-2817 Life Insurance Election Form to Staffing.

Contact: Staffing Section for Registration
Employee Relations for more In-depth Questions

Reference: Cited Booklet(s)
FPM Supplement 870-1
BLM Employee Handbook, pp. 19-20
FEGLI Brochure SF-2817-A

HEALTH INSURANCE

As a Federal employee you have a large number of Health Insurance plans from which to choose. In fact, choosing the plan which fits your particular situation is often a difficult task. The booklets, "Enrollment Information Guide and Plan Comparison Chart" (RI 70-1) and "Federal Employees Health Benefits Program" (SF-2809-A) will help you compare the plans and select those you wish to examine more closely. Employees have 31 days from the effective date of hire/reinstatement to return the SF-2809 Health Benefits Registration Form to Staffing. Booklets on individual plans are available from the Branch of Human Resource Management if you need more in-depth information to make your final decision.

Most questions concerning your opportunity to change your Federal Employees Health Benefit Plan are answered on the form SF-2809. There is an "Open Season" annually during which you can switch plans freely.

Contact: Staffing Section for Registration
Employee Relations for more In-depth Questions

Reference: Cited Booklet(s)

THE EMPLOYEE ASSISTANCE PROGRAM

The Bureau has established an Employee Assistance Program, available to you and/or any member of your family free of charge, should difficult personal problems arise. The program provides short-term effective professional help with such issues as marriage or financial difficulties, mental and emotional problems, or drug and alcohol abuse. The Bureau recognizes that such problems as these can seriously interfere with daily life and personal well-being as well as performance of the Bureau's work.

Employee Relations has additional information about the Employee Assistance Program. You also are welcome to contact the service provider directly to ask questions or arrange to see a counselor. An appointment can be arranged for you, and all such arrangements will be kept in strictest confidence.

Contact: Employee Relations Supervisor
Human Affairs Inc. of Alaska, 562-0794

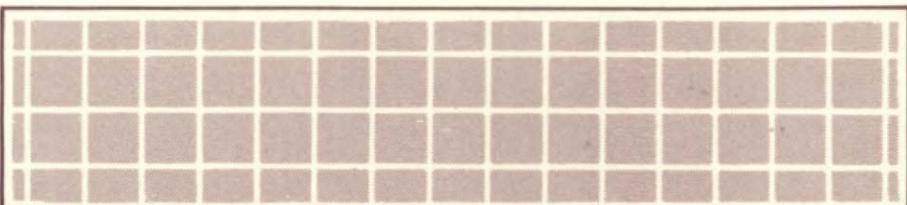
Reference: Employee Relations

Questions And Answers About The

EMPLOYEE ASSISTANCE PROGRAM



HUMAN
AFFAIRS ALASKA



Q. What is an Employee Assistance Program?

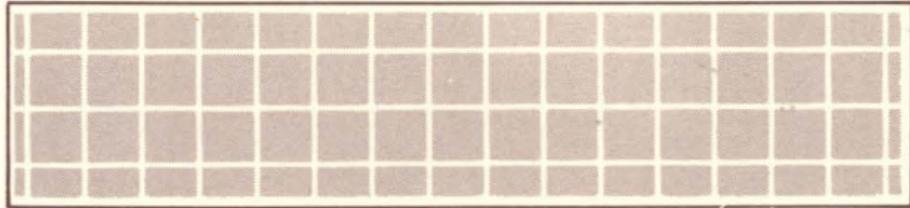
A. An Employee Assistance Program is a confidential counseling/referral service provided free-of-charge to employees and their dependents.

Q. What will it do for me?

A. The Employee Assistance Program is designed to help employees with those serious problems that can affect all families at one time or another, problems that can affect job performance unless they are treated promptly and professionally.

Q. What kind of problems?

A. Specifically, the program is geared to help solve problems involving marital and family stress, legal and financial problems, difficulties centering on children, alcoholism, drug abuse, mental health and care of the aged. While some employees may be able to handle these kinds of problems by themselves, the employer recognizes that there are others who need professional assistance and can't find the help they desperately need.

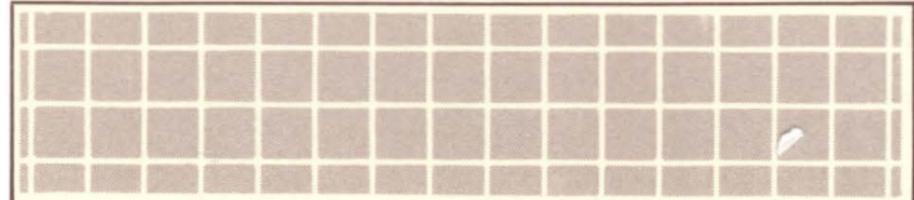


Q. Is the program confidential?

A. Participating in the Employee Assistance Program is confidential and information about your participation will not be released without your consent, unless required by law or to protect the safety or health of the participant or another person.

Q. How can I contact the Employee Assistance Program?

A. Simple call 562-2812 for an appointment. After hours and on weekends a live answering service can put you in touch with a counselor in a matter of minutes. The counselor will set up an appointment with you or a family member and you are on your way to a solution to the problem.

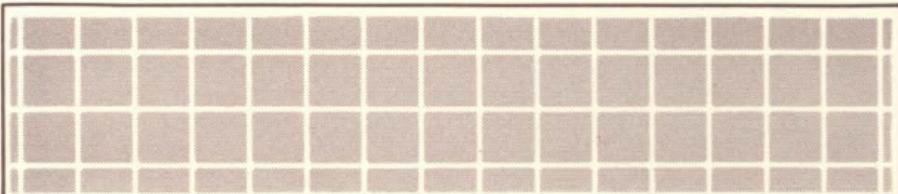


Q. What will it cost me?

A. The counseling and referral service by Human Affairs of Alaska is paid for by the employer. Should a particular situation be referred to a doctor, psychiatrist, lawyer or other professional for additional help, the cost of these professional services are often covered by your group insurance plan.

Q. Where would I go for help under the Employee Assistance Program?

A. Human Affairs of Alaska has its main office at 4300 B Street, Suite 606, Anchorage, Alaska 99503.



Q. Why is the employer offering this service?

A. The employer has long believed that its employees are their most valuable resource. Over the past 10 years or so, the stresses in our lives have multiplied and we've become aware that the job performances of employees can be severely damaged by forces completely separated from their jobs. This is a tragic waste of human resources and it must be reduced to the lowest possible level. It is hoped that employees with such problems will voluntarily avail themselves of this program so their work and social lives can be enjoyed to the fullest. That is why the Employee Assistance Program is being offered to employees and their families.

4300 B Street, Suite 606
Anchorage, Alaska 99503

Place
Stamp
Here

USE OF PERSONALLY OWNED EQUIPMENT

It is the policy of the Bureau to supply you with the equipment that you need to do your work. There will be no authorized approval for you to use your personally owned equipment, as there is no way for the government to reimburse you for repair or maintenance.

There are three exceptions to this policy: 1) personally owned horses and related tack; 2) personally owned vehicles in connection with official travel; and, 3) approved personally owned firearms for law enforcement officers.

* * * * *

GOVERNMENT MOTOR VEHICLE USE AND CARE

Demonstrated competence and your supervisor's authorization are required before you can operate a government vehicle. Your supervisor must be sure you are able to safely operate a vehicle. There are special training requirements if you need to operate industrial trucks, heavy equipment, etc. These requirements must be met before your supervisor can grant authorization.

There are two ways you may receive authorization to operate a motor vehicle:

1. Have a valid state driver's license and current Optional Form 36 "U.S. Government Motor Vehicle Operator's Identification Card" that lists specific types of vehicles you are authorized to operate.
2. Be authorized under the BLM Operator's Authorization program which requires having a valid state driver's license in your possession at all times while driving.

You are responsible for any vehicle you use. Treat it like your own. A vehicle in good condition will help you prevent an accident and get you back home without trouble.

Know the condition of your vehicle before you leave the office. Things you should check include tires, lights, windshield wipers, cargo security, seat belts and mirrors (some offices require a regular vehicle inspection report).

A government vehicle may be used only for official government business. You may not pick up "hitchhikers" nor digress from your approved route to accomplish personal business. If it is necessary for you to park a government vehicle at your residence, a "Request for Overnight Storage of Government Vehicle at Employee's Residence" Form (1520-27) must be completed and approved in advance.

If you are involved in an accident you should take the following actions:

1. Stop immediately.
2. Take steps to prevent another accident at the scene.
3. Call a doctor or ambulance if necessary.
4. Notify Alaska State Troopers or Municipal Police as required by law.
5. DO NOT SIGN ANY PAPER OR MAKE ANY STATEMENT AS TO WHO WAS AT FAULT. (Except to your supervisor or Federal Government investigator.)
6. Obtain the necessary information to complete Standard Forms 91 and 94. Complete Optional Form 26 as soon as possible. (The forms will be in the glove box of the vehicle.)
7. Furnish your name, address, place of employment, name of your supervisor, and upon request, show your operator's permit.
8. If the vehicle is damaged to the extent it can no longer be operated safely, arrange for towing service to the nearest garage.
9. Notify the following persons immediately:
 - a. State or Municipal Authorities
 - b. Your Supervisor
 - c. Your BLM Fleet Manager
 - d. Your BLM Safety Officer

Refer to BLM Manual 1525 for further guidance on the care and use of Government Equipment.

EMPLOYEE RESPONSIBILITIES FOR GOVERNMENT PROPERTY

Employees are responsible for the proper care, safeguarding, maintenance, and use of all government property under their control. They may be required to reimburse the government for the cost of items lost, damaged, or destroyed through their fault or neglect. Such responsibility will be determined by the Alaska Property Survey Board. See BLM Manuals 1520 and 1524 for further guidance.

Contact: Supervisor

Reference: BLM Manual 1525

PROCUREMENT

Procurement or acquisition is the Government's buying of products or services from another government agency, private contractor, nonprofit organization, or a State. BLM can buy almost anything as long as the purchase helps accomplish BLM's public responsibilities. The only BLM people who can buy or make commitments to buy for BLM are the Contracting Officers (COs). These COs have had training and experience that help them wade through regulations that control what and how to buy. Additionally, they have warrants that give them the authority to make purchases.

If you need to buy something in order to accomplish an assignment, you need to define clearly what you need, how much you need, when you need it, where it should be delivered or performed, and which firms (if known) have the capabilities to perform or provide the work or product. You can secure from the CO information about the forms to fill out and the authorizations that are required.

Remember, advance authorization is always necessary prior to procurement of merchandise or service. Failure to obtain advance approval may require you to personally reimburse the Bureau for the merchandise.

IMPREST FUNDS

Imprest funds are set up for use by employees when: 1) items are less than 50 dollars and the employee would like to pick it up and, 2) time frames are not adequate to go through normal travel advance procedures. Most employees use the fund for local purchases of items not covered under a GSA contract, such as conference registrations (non-training) and travel advances. Always go through the imprest fund cashier before making a purchase. A Comptroller Decision states in part, that the "general rule is that you cannot pay public obligations from personal funds." This practice is prohibited in large part because it constitutes an abuse of your good will by asking you to tie up personal funds in payment of a debt for which you have no personal liability.

Contact: Supervisor
Imprest Cashier: _____
Procurement Analyst: _____

Reference: BLM Manuals 1510, 1511
Pamphlet: "How to Survive the Procurement Process in the BLM"

TRAVEL PROCEDURES

As a part of your official duties, you may be placed in official travel status. If so, you will receive a Travel Authorization (Form DI-1020) which will show the purpose of your trip, your destination, authorized mode of travel, and the per diem or expense rate allowed.

If you are asked or wish to use your personally owned vehicle, arrangements must be made and approved by your supervisor. You will be allowed a mileage allowance for the use of your own vehicle. Airline tickets will generally be procured by your travel clerk.

You may be eligible for an advance of money before you travel. This will provide you some traveling money so that all of your expenses will not come out of your pocket. Additionally, you may be eligible for a Government Diners Club credit card.

Upon completion of your travel, you must complete and submit a Travel Voucher (Form SF-1012) in order to be reimbursed for your expenses. If vouchers are not filed timely upon completion of your trip, any advance of money may be deducted from your salary check.

Contact: Supervisor
Travel Clerk: _____

Reference: BLM Manual 1382

RECORDS - YOURS AND OURS

All BLM offices have a central filing system where official copies of correspondence, manuals, books, research papers and other documents are maintained by a Records Manager. "Central Files" is also responsible for incoming and outgoing official mail. It is inappropriate to use this service for receiving or sending personal mail.

Your Records

- An Official Personnel File (OPF) has been created for you. It is maintained at the State Office, unless otherwise indicated, and is available for your review upon request. If you should wish to review your OPF, contact personnel staffing to find out where your file is located.
- It is advisable that you retain copies of all your personnel related documents. These copies might be useful if there is a loss or irregularity discovered in your OPF.

Our Records

- The Bureau has an Integrated Paperwork Management System that covers virtually all paperwork created by employees. Your State or District Records Manager can explain the system in more detail.

Contact: Records Manager: _____
Office of Field and Office Services (974A)

Reference: BLM Manual 1220
Booklet "Integrated Paperwork Management System"
Video-tape "Records and Information Mgmt."
BLM Employee Handbook, pp. 47-48
Video Tape "Disaster Recovery"

PERFORMANCE IMPROVEMENT AND POSITION REVIEW

WHAT IS THE "PIPR" SYSTEM?

If your appointment is expected to exceed ninety (90) days, within thirty days of your appointment your supervisor will complete a performance appraisal form referred to as the Performance Improvement and Position Review (PIPR). The system involves establishing critical and non-critical job elements, setting performance standards/objectives for these elements, measuring work progress based on performance standards/objectives, and identifying methods of improving performance. The system is a process which ties performance evaluation to job objectives.

The PIPR has the following objectives:

- a. To ensure that performance is measured against established standards which are written in a clear and explicit style and communicated to you at the beginning of the rating period.
- b. To facilitate periodic reviews other than the annual appraisal of your progress toward work goals as part of the ongoing appraisal and employee development process. These reviews are not designed to give a rating but rather to solve problems, facilitate accomplishment of work, revise the work plan where necessary, determine training needs, and obtain a broad range of information about performance. Periodic discussions are valuable in strengthening relationships and increasing mutual understanding.
- c. To provide opportunities for you and your supervisor to discuss, plan, and improve job performance. Active participation is an important characteristic of the system.

- d. To provide rewards if you are achieving high performance and to help you if you are encountering difficulty in order that you may achieve acceptable performance.
- e. To promptly notify you in writing of your performance ratings on the Performance Improvement and Position Review Form.

The BLM PIPR serves as the basic system for career development, recognition for awards, and remedial performance actions. While it is important to be aware of the significance of the PIPR as a personnel document, this does not detract from its role as a valuable communication tool for both employee development and organizational accomplishment.

Contact: Supervisor
 Employee Relations

Reference: BLM Manual 1400-430
 BLM Employee Handbook, pp. 34-37

TRAINING AND DEVELOPMENT

The Bureau Careers Program

The BLM recognizes that its employees are its most important resource. In recognition of this fact the Bureau has designed a career program to help you develop both professionally and personally. Through this program, you receive orientation and training as needed at appropriate junctures in your career. New Employee Orientation is the first phase of the Bureau Career Program. It is designed to welcome new employees to the BLM and provide them with community, agency, office and job orientation.

Upon completion of new employee orientation, you become eligible to participate in Phase 2 of the Career Program, the Employee Excellence Seminar. Held annually, this seminar provides the opportunity for you to increase your awareness and knowledge of BLM and how critical land management issues are managed. Through your increased self-awareness and your greater understanding of career opportunities in the BLM, you will be better equipped to plan your career development to the journey level and beyond in your chosen field.

Training

It is the Bureau's policy to assist, as appropriate, in helping you to perform at an optimum level in accomplishing Bureau programs. While the Career Program forms the core of the Bureau's career development activities, it is complemented by other training programs such as:

- BLM Professional and Technical Training
- BLM Decentralized Training Packages
- Office of Personnel Management Training
- Department of Interior Training
- College and University Courses
- Private Sector Courses
- Other Government Training Courses
- Professional Organization Training
- On-the-job Training

You and your supervisor will jointly identify your training needs during your performance review. Your supervisor and the Organization Effectiveness staff can help determine how to best meet these needs.

Contact: Office Training Coordinator: _____

Reference: Learning Center Catalog
BLM Manual 1400-410
BLM Employee Handbook, pp. 33-34

TRAINING FOR NEW SUPERVISORS

As a probationary supervisor/manager, you have assumed many completely new duties. To introduce you to these duties, the agency will provide you with training within specific periods of time as follows:

New Managers

A minimum of 40 hours of appropriate formal training must be completed during the probationary period. Topics to be stressed include: leadership, principles of human behavior, problem solving, communication, counseling techniques, personnel management, planning, program evaluation, performance appraisal, equal employment opportunity, concepts of organization, internal controls, and management as a profession.

At least once every 3 months, you and your supervisor will meet to review your progress. This session should be viewed as a developmental experience in which abilities and skills are specifically discussed and documented.

Probationary Supervisors

A minimum of 80 hours of training must be completed within 2 years of appointment to the supervisory position. This training includes the following sequence of activities:

- Within the first 6 months of the probationary period, training must be provided on performance appraisal, including: the identification of critical elements and practice in writing performance standards, conducting appraisal interviews, counseling techniques, the role of the supervisor, and principles of human relations.
- By the end of the 2nd year in the supervisory position, training will include communications, personnel management, labor relations, equal employment opportunity, work planning and scheduling, tracking and appraising work products, internal controls, and management as a profession.

As a supervisor you are required to have an Individual Development Plan (IDP). Use it to help you identify and document additional training requirements you may have. IDP's for newly appointed supervisors and managers must be completed within thirty (30) days of the appointment. Plans for probationary supervisors and managers must be updated quarterly.

There are a variety of training programs available through your Employee Development staff, which can help you to learn more about specific supervisory functions. Get to know and use these programs as a flexible and cost effective means to meet your training needs.

After your probationary period, you need to maintain and further develop your supervisory skills. The agency requires a minimum of eight (8) hours of training annually for all non-probationary supervisors. We recommend you work jointly with your supervisor to identify the focus of your training plan.

Contact: Supervisor
State Training Officer: _____
Employee Development Rep.: _____

Reference: Departmental Manual 370 DM 412
BLM Manual 1400-412
Current Instruction Memos

Federal Personnel Manual System**FPM Bulletin**

Bulletin No. 410-127

Washington, D. C. 20415
May 24, 1989**SUBJECT:** Mission-Related Training**Heads of Departments and Independent Establishments:**

1. The purpose of this bulletin is to clarify existing OPM policy on funding employee training.
2. Recent studies, including the Hudson Institute's Civil Service 2000 report, tell us that the skill needs of the Federal Government continue to increase. At the same time, the supply of skilled, entry-level people is diminishing and many employees are not well prepared to apply innovative ideas or new technology to their jobs.
3. By law, training is authorized at Government expense to increase the ability of an employee to perform official duties. Some supervisors and training specialists have narrowly interpreted this requirement as relating only to specific tasks and methods listed in the employee's current position description. At best, they have approved other training only when it would prepare the employee for specific tasks required by a planned reassignment within the employee's assigned occupation.
4. In passing the Government Employees Training Act in 1958, the Congress stated its intent "to establish and maintain the highest standards of performance in the transaction of the public business, and to install and utilize effectively the best modern practices and techniques." It expected training "for the development of skills, knowledge, and abilities which will best qualify...for performance of official duties." The objective was not just to enhance skills in doing the job the same old way, but to give employees new tools and insight which could lead to better ways of delivering services. Specifically, the Congress expected training to "lead to (A) improved public service, (B) dollar savings, [and] (C) the building and retention of a permanent cadre of skilled and efficient Government employees, well abreast of scientific, professional, technical, and management developments both in and out of Government." That need has never been greater than today. [P.L. 85-507, 72 Stat. 327]
5. Agencies are reminded that the Government Employees Training Act also authorizes training to qualify for shifts outside an employee's current occupation. Such shifts could come about, for example, as the result of (a) efforts to alleviate shortages in the labor market, (b) efforts to enhance employment opportunities through upward mobility programs, or (c) realignment of occupational specialties through technological change.

Inquiries: Career Entry and Employee Development, Office of Employee and Executive Development, (202) 632-0255
Code: 410-Training

Distribution: Basic FPM

Bulletin Expires: July 20, 1990

1982

6. Training is appropriate when the Government can be expected to gain more benefit from the training than it invested in its cost. It is clearly improper to authorize training where there is no reasonable potential to utilize that training on the job. Determining the value to the Government of any particular training investment, however, must rely on the vision and judgment of line supervisors and managers. They may authorize training to build skills and knowledge levels which help employees better contribute to the agency's mission. In some cases, the need is immediate and the training remedial; in others, the aim is to update and maintain professional knowledge; and in still others the goal is to prepare for requirements anticipated by managers.

7. Federal agencies are more likely to have employees capable of meeting changing requirements if the employees, themselves, have expectations of life-long learning and take ultimate responsibility for their own development. Managers can effect both outcomes by working with employees to identify training and development needs as a part of the performance appraisal process (documenting such needs through Individual Development Plans if the agency uses such plans); by encouraging participation in the continuing education activities of schools and professional associations; and by maintaining an adequate financial priority for training.

Constance Horner
Director
Office of Personnel
U.S. Office of Personnel Management
Washington, D.C. 20415
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Upward Mobility

Definition:

Upward Mobility is a systematic management effort that focuses Federal personnel policy and practice on the development and implementation of specific career opportunities for lower level employees (below GS-9 or equivalent) who are in positions or occupational series which do not enable them to realize their full potential.

Background:

BLM recognizes that people are its greatest investment. BLM also knows that solely through the hard work of its employees is the agency's mission accomplished. Employees need reward and recognition for their contribution and one way to acknowledge the work they do is to provide them with opportunities to get ahead. Upward Mobility has been identified as one excellent means of helping employees move up in the organization.

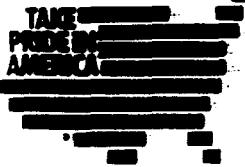
Historically, Federal employees have been able to achieve upward mobility in a variety of ways. One traditional Upward Mobility program is the career ladder. A career ladder is a position for which employees initially must compete. The position usually starts at a lower grade and allows the employee to move up one or more grades without competition.

Upward Mobility opportunities must, of course, be available to all employees on a nondiscriminatory basis. For this reason, other programs, such as career counseling and developmental training, provide upward mobility opportunities for women and minorities in lower grade positions who need help to gain the skills and abilities that will qualify them for advancement.

For more information about Upward Mobility programs, contact the Branch of Human Resource Management, Staffing Section.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

1400-410 (97)

May 15, 1989

Information Bulletin No. AK 89-108

To: All Employees (Statewide)
From: DSD for Support Services
Subject: Career Opportunities

As discussed with you at our recent All Employees meeting, I know you have concerns regarding your careers and how to enhance your opportunities. With an aging workforce and a declining Table of Organization there are career realities that we must address. The work environment is very competitive and there are fewer opportunities. To be competitive requires hard work and planning. We desire to help you advance your career. Our policy is to continue to provide a work environment where you can strive to reach your potential. We want to help you identify realistic career goals and develop plans for your achievement. I encourage each of you to discuss your career and career plans with your supervisor. Work with your supervisor to develop an individual development plan.

In addition we have available the following services/opportunities:

- A. Career Planning Workshop. These sessions are designed to help you identify and develop a career track to serve you at every grade level. Refer to your training catalog for dates and additional course information.
- B. Career Counseling. The first step is to talk to your supervisor. You may also find it helpful to talk to others in the organization. Also, you may talk to managers or our specialists in the Branch of HRM. They are available to discuss your career plans. Contact Mel Williams at 271-5043 and he will work with you to determine the most appropriate contact.
- C. For the Supervisor. We have just released a Career Counseling Handbook. This handbook will assist you as supervisors in conducting a successful career counseling session for your employees. Enclosed in this handbook is a step-by-step Individual Career Development Plan to be completed and monitored by you and the employee.

- D. The State Competitive Programs. These programs include The Shadow Program for GS-12's and above. This program allows the employee to Shadow the SD for one week. We also have various Interest Announcements and Detail Assignments for employees to expand their knowledge base.
- E. Additional Materials. Various books on Career Development are available in the Learning Center. Consult the Employee Development Section to check out any of these resources.

In addition to the programs available within the State of Alaska, the Bureau has developed a seven tier Career Development Program. These programs are;

- A. New Employee Orientation
- B. Employee Excellence Seminar
- C. BLM Careerist
- D. Professional Development
- E. Management and Leadership
- F. Advance Leadership
- G. Senior Executive Service (SES) Candidate Development Program

A brochure is available from HRM telling more about these programs.

If you have any additional comments or questions, please contact Mel Williams at 271-5511.

A handwritten signature in black ink, appearing to read "James D. Fitch".

BUREAU OF LAND MANAGEMENT

CAREERS

PROGRAM



NEW EMPLOYEE ORIENTATION

EMPLOYEE EXCELLENCE SEMINAR (NEW EMPLOYEES)

BLM CAREERISTS

PROFESSIONAL DEVELOPMENT

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

SES CANDIDATE DEVELOPMENT PROGRAM - OPM (EXECUTIVE LEADERSHIP)

Recommended Career Schedule: 1 - 6 Weeks

Conducted By: Local Offices

Recommended Target Group: All

Prerequisite: None

Objectives: • To welcome the new employee to the BLM.

• To provide community agency, office and job orientation to new employees.

Process: Orientation checklist identifies required information to be given new employees through packets of materials for employee reading and by discussing with persons identified in the checklist.

NEW EMPLOYEE ORIENTATION

EMPLOYEE EXCELLENCE SEMINAR (NEW EMPLOYEES)

BLM CAREERISTS

PROFESSIONAL DEVELOPMENT

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

SES CANDIDATE DEVELOPMENT PROGRAM - OPM (EXECUTIVE LEADERSHIP)

Recommended Career Schedule : 6 months - 3 years

Conducted By: State Offices

Recommended Target Groups: All

Prerequisite: New Employee Orientation Prework

Objective: To provide the opportunity for new employees to increase their awareness and knowledge of BLM and how the agency manages its critical land management issues. Through their increase in knowledge and the emphasis on self awareness and career in the BLM, the employee will be able to more readily see how they can better plan their careers and develop to the journeyman level for their career choices.

Process: Four day seminar, presented by state managers using a common Employee Excellence Seminar package of materials covering BLM history, Bureau organization, state programs and issues, futuring, relating to BLM publics, resolution of resource conflicts, individual focus BLM careers, and in search of excellence.

EMPLOYEE EXCELLENCE SEMINAR (NEW EMPLOYEES)

BLM CAREERISTS

PROFESSIONAL DEVELOPMENT

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

SES CANDIDATE DEVELOPMENT PROGRAM - OPM (EXECUTIVE LEADERSHIP)

Recommended Career Schedule: Within 10 years

Conducted By: Area, District, State Offices

Recommended Target Group: All

Prerequisite: Employee Excellence Seminar

Objectives:

- To provide critical survival skills and knowledge training in organization communication, safety, the law and relating to the public.
- To recommend training opportunities for better job performances.
- To understand BLM land management programs.
- To achieve common skills and knowledge.
- To achieve excellence in own program areas and be pro-active about BLM.

Process: Mostly done by self study at employee's duty station. Required and optional training courses and activities are provided. Study is accomplished as scheduled by employee and supervisor. Workgroups are the option.

BLM CAREERISTS

PROFESSIONAL DEVELOPMENT

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

SES CANDIDATE DEVELOPMENT PROGRAM - OPM (EXECUTIVE LEADERSHIP)

Recommended Career Schedule: 10 - 25 years

Conducted By: State Office/Denver Service Center/Washington Office

Recommended Target Group: All Mid - Careerists

Prerequisite: Demonstrated Excellence in Chosen Field

Objectives:

- To enhance motivation, define and raise the level of BLM productivity, improve performance and morale, upgrade the Bureau image, and to seed the organization with energy and sharing.
- To increase the stature and recognition for the mid-career employee who chooses not to pursue a career in line management.
- Find ways to enhance the accomplishment of BLM mission.
- To provide a series of options for competent mid-careerists to enhance their personal expertise.

Process: A series of Bureau supported career options for career employees to enhance their chosen profession through approved Individual Development Plans. Competent mid-careerists participant in activities such as:

<ul style="list-style-type: none">• Leadership in professional societies• Foreign assignments• Workshops and seminars• Details to other states• An annual 4 day workshop on career enhancement• Mentoring	<ul style="list-style-type: none">• Intergovernmental Assignments• Educational leave• Writing professional papers• Assistance in publishing• Instructing and teaching assignments• Community outreach
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PROFESSIONAL DEVELOPMENT

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

Recommended Career Schedule: 10 - 20 years

Conducted By: Denver Service Center

Recommended Target Group: 21 annually - Potential Managers

Prerequisite: Competitive Selection Prework

Objectives:

- To provide the opportunity for employees to ascertain their readiness for supervisory/managerial positions; assist people in making their best career decisions.
- To enhance employee competence.
- To create a talent pool.

Process: Ten day course. Assessment exercise with interviews, oral presentations, and leaderless group and personal effect components. Communication skills, human relations, counseling, management of BLM organization, resource conflict resolution and management styles are some other components of the course. The course includes a review of Individual Development Plans of the employees. They are given feedback regarding their managerial potential. Each employee must develop and complete a management project within one year.

MANAGEMENT AND LEADERSHIP (GS 9/11/12)

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

Recommended Career Schedule: 15 - 30 years

Conducted By: Washington Office

Recommended Target Group: 22 Annually - Existing line and Staff Managers

Prerequisite: Competitive Selection

Objectives:

- To understand and experiment with essential leadership strategies, skills and abilities.
- To demonstrate ability and manage diversity and ambiguity.
- To increase understanding of self and how to influence the workforce.
- To sharpen the use of organizational and communication skills.
- To understand the concepts of power, authority, conflict, confrontation, and relationships to motivation and productivity.

Process: Six day workshop. Communication skills are reviewed. "Meyers-Briggs" survey interpreted and related to workshop learning objectives. A simulation exercise is conducted to facilitate the study of leader behavior. The session includes a presentation on leadership, a panel discussion with successful Bureau leaders including the Director. Participants plan and prepare themselves to apply learning to job back home. Individual projects to improve personal work group function are identified and developed. Individual Development Plans are finalized.

ADVANCED LEADERSHIP (GM-13/14/15) PLUS GS-12 AREA MANAGERS

Recommended Career Schedule: 20 - 30 years

Conducted By: WO/OPM

Recommended Target Group: 3 - 5 annually

Prerequisite: GM-14/15

Objective: Provide trained candidates for future SES Positions

Process: Federal Executive Institute. A yearlong program of instructional and developmental assignments to prepare candidates for executive assignments.

INCENTIVE AWARDS



It is the Bureau's policy that employees be encouraged to exceed performance requirements, to participate actively in the common task of improving efficiency and economy of Government operations, and to submit ideas for improvements. The aim of the Incentive Awards program is to increase productivity and creativity by rewarding those employees whose job performance exceeds job requirements and performance standards, and whose adopted ideas benefit the Government. The following awards are most used in the Bureau. All employees are eligible for these awards except as noted. Nominations for these awards are generally initiated by the employee's supervisor.

Quality Step Increase

An increase in the rate of basic pay from one step of an employee's grade to the next higher step of that grade. This award is granted in recognition of sustained high quality performance which is expected to continue at the same high level. A Quality Step Increase is based on both past and predicted future performance substantially exceeding requirements. Wage Grade and Merit Pay employees are not eligible for this award.

Sustained Superior Performance Award

A monetary award granted for an employee's individual performance which has exceeded job requirements for a period of at least six (6) months. It is a one-time lump-sum cash award, based on past performance. Merit Pay employees are not eligible for this award.

Superior Accomplishment Awards

Superior Accomplishment Awards are monetary awards or nonmonetary awards granted in recognition of a contribution resulting in tangible benefits or savings and/or intangible benefits to the Government. These contributions or accomplishments are achieved through an individual or group effort in the form of a suggestion, an invention or a special act or service in the public interest connected with or related to official employment.

A. Special Act or Service Awards

Awards may be granted to an employee or to a group for a special act or service when it is (1) a nonrecurring contribution or accomplishment in the public service within or outside of job responsibilities, or (2) a scientific achievement, or (3) an act of heroism. These awards are not mandatory and are a management prerogative.

B. The Suggestion Program

An employee suggestion is a constructive proposal conceived and developed by an employee or a group of employees and submitted to management for evaluation and consideration for an award. Ideas related to services or benefits to employees, working conditions, buildings and grounds, and housekeeping are ineligible and should be handled through administrative channels established by bureaus and offices instead of through the suggestion system.

C. Inventions

The Department encourages the use of monetary awards authorities to fully recognize and reward employees for their inventions. Such awards and attendant recognition encourage the efforts of individuals and groups engaged in work within the Federal Government. It also rewards those whose inventions benefit the Government and/or the public. A monetary award can be considered if the invention either (1) contributes to the efficiency, economy, or other improvement in Government operations, or (2) is in the public interest and is associated with the employee's official employment. Even though the making of an invention might be considered to be within an employee's official duties, it is emphasized that the employee inventor should be considered for a cash award and honorary recognition under the awards program. Such recognition may be in the form of the awards discussed further.

On-The-Spot Cash Awards:

Cash award granted to acknowledge accomplishment of a special project. These awards do not exceed \$50.00. No more than 2 awards per fiscal year may be granted to each employee.

Departmental Honorary Awards

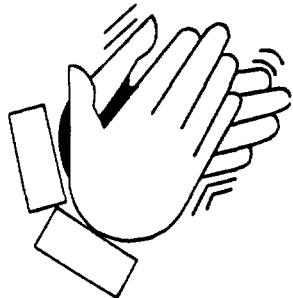
A medal, certificate, plaque, or other item that can be worn or displayed. Honor Awards are granted independently of cash awards. Major Departmental honor awards (Distinguished and Meritorious) are granted in recognition of (1) distinguished, career-oriented achievements, and (2) clearly significant contributions that have benefited the government in areas such as equal employment opportunity, energy considerations, scientific research, improved communications with a service to the public, and others of high priority to the organization.

Non-Monetary Awards

Include medals, certificates or plaques, or "other items" that can be worn or displayed with appropriate logo, emblem, or seal representing BLM. These awards do not exceed \$50.00 per item.

Letter of Appreciation

A letter given to express appreciation for performance of a job well done. A certificate accompanies the letter.



Contact: Supervisor
Employee Relations
Assistant: _____

Reference: BLM Manual 1400-451
DM 451
DM 430
DM 531
Incentive Awards Handbook
BLM Employee Handbook, pp. 37-38

GRIEVANCE

A grievance is a request by one or more employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of management. An employee may present a grievance concerning a continuing practice at any time. However, a grievance concerning a particular act or occurrence must be filed within 15 days of the date of the specific occurrence.

Informal Grievance

An employee must first seek informal adjustment of the matter through supervisory channels. An informal grievance may be presented orally or in writing to the immediate supervisor. If the grievance concerns the employee's supervisor, the employee may present the grievance to the next higher level of supervision. The intent of the grievance procedure, however, is to resolve the concern at the lowest possible level. A grievance may not be rejected in the informal procedure for any reason.

Formal Grievance

If the decision under the informal procedure does not resolve the employee's concern, the grievance may be submitted for further consideration under the formal grievance procedures. At this stage, the formal grievance must be submitted in writing. It must contain sufficient detail to identify and clarify the basis for the grievance; explain efforts made to resolve the grievance informally; and specify the relief sought by the employee.

Contact: Employee Relations Supervisor

Reference: Federal Personnel Manual - Chapter 771
Departmental Manual - 370 DM 771
BLM Manual - 1400-771
BLM Employee Handbook, pp. 39-41

MERIT PROMOTION AND INTERNAL PLACEMENT

It is the policy of BLM to fill each position from among the best qualified persons available. This can be accomplished by promotion, reassignment, transfer, appointment or other appropriate means. Identification, qualification, evaluation and selection must be made on the basis of merit. This means selection must be made without regard to political, religious or labor organization affiliation, marital status, race, color, sex, national origin, non-disqualifying physical handicap or age. All selection criteria must be clearly job-related, and all staffing procedures must respect individual privacy and constitutional rights.

The Merit Promotion and Internal Placement Plan covers all employees who hold Career or Career-conditional positions in the Federal government. These include all positions in the General Schedule at or below grade GS-15 and those Merit Pay System, and Federal Wage System positions that must be filled through competitive merit procedures in accordance with FPM Chapter 335. Other persons may be covered when specifically included in the area of consideration of an announcement.

Job opportunities are normally advertised by a vacancy announcement. The announcements list the job titles, experience requirements and who is eligible to apply. It is in your best interest to familiarize yourself with the BLM's merit promotion procedures as you seek to further advance your career.

Contact: Supervisor
 Personnel Staffing Section

Reference: BLM Manual 1400-335

PERSONNEL ACTIONS

A "Personnel Action" is any event which changes the status of either an employee or a position. All personnel actions, except those of a disciplinary nature, are initiated by a "Request for Personnel Action" (Form SF-52).

Examples of personnel actions are recruitment, establishment of a position, promotion of an employee, re-classification of a position, etc. Multiple requests may be made on a single SF-52 such as "Recruit and Fill" or "Classify and Establish."

The "Request for Personnel Action" (SF-52) may be handwritten in pen and ink. It must be signed by the immediate supervisor, and submitted through channels to the Branch of Human Resource Management in the State Office. Upon receipt in the State Office, the SF-52 is logged and tracked through to completion. This enables the supervisor who initiated the request to find out the status at any given time.

Recruitment Requests

You may want to talk first to a Staffing Specialist who services your organization. Along with the SF-52, supervisors are required to submit a copy of: 1) the position description (Form OF-8) (if position has changed; 2) a Position Analysis and Rating Plan if they wish to advertise the vacancy; and 3) a selection of recruitment alternatives. Preferred recruiting methods can be prioritized and may include the following:

- Advertise on a vacancy announcement (merit promotion)
- Recruit via Office of Personnel Management (OPM Certificate)
- Reinstatement of former Federal employees, etc.

If a supervisor wishes to recruit a particular individual, this must be noted on the SF-52 and any information regarding the individual attached to the request. This information may include such documents as an OPM Notice of Rating, an SF-171 Job Application, Proof of Prior Federal Employment, or other identifying and supporting documents.

Establish or Fill Requests

Requests to establish a new position or fill a vacant position require a justification of need. This may be as simple as a single sentence in the case of filling a vacant Forester position, or it may be quite extensive if requesting an organization expansion.

Classification

Requests for classification of a position are also made on an SF-52. If the supervisor is using other than a standard job, a position description and signed OF-8 must accompany the request. If you need help in writing a position description, the Branch of Human Resource Management, Classification Section can provide both written guidance and personal assistance.

POSITION MANAGEMENT

Position Management is what supervisors and managers do when recommending or deciding such things as:

1. How many positions are needed to accomplish the work under their supervision.
2. Whether or not particular kinds of positions are needed.
3. How the positions (work) should be organized.
4. What duties and responsibilities need to be assigned to individual positions.

The aim of Position Management is to organize work in a way that serves mission needs most effectively and economically. This means consideration must be given to such things as: mission, work simplification, the labor market, employee utilization, motivation, career opportunities, availability of funds and ceiling and affirmative action.

POSITION MANAGEMENT means getting the right balance of many things into the organization and positions. For example, there is no merit in having the least possible salary costs if this means capable employees cannot be attracted and developed. Nor is it possible to provide maximum variety and interest in every job while at the same time get maximum utilization of skills.

POSITION MANAGEMENT as a technique does not give you easy answers to effective organization and management. It does provide a means of defining an effective organization and the steps you must take to achieve it.

Line managers play the central role in position management. They are the ones who must make the organization work effectively on a day-to-day basis. For position management to succeed, they must understand the purposes for and considerations involved.

Coordinated staff effort also is essential to the success of any position management program. For assistance in the solution of specific problems, consult the Branch of Human Resource Management.

Contact: Supervisor
 Personnel Officer

Reference: BLM Manual 1400-312
 BLM Manual 1400-335
 BLM Manual 1400-511
 OPM Booklet "How To Write Pos. Descriptions"
 BLM Employee Handbook "Appointments", pp. 6-8

Branch of Human Resource Management



**Helping to make BLM
better for people
And people better
for BLM**

GENERAL INFORMATION

The Bureau of Land Management's (BLM) policy is to encourage and enhance human resources development. We strive to retain an effective workforce and to further employee skills, knowledge, and abilities to meet the agency's existing and future needs. BLM's policy is also to ensure full and equal opportunity in recruitment, hiring, promotion, and all other personnel actions.

The Branch of Human Resource Management provides a variety of services to managers, supervisors, and employees, which are noted in this brochure.

The Branch of Human Resource Management (971) shares the responsibility for BLM's "people" programs with the Equal Employment Opportunity Office (915). Please feel free to contact either office for assistance.



STAFFING AND PAY

We are responsible for meeting the organization's staffing needs. We process all personnel actions effecting employee appointments and changes, such as, promotions, reassessments, etc. We develop policy on the overall staffing and pay program.

We also advise and answer management and employees' questions about staffing and pay.

Some of the services we provide are:

- Recruitment, including issuing Vacancy Announcements
- Pay Administration
- Employment Verification
- Official Personnel File (OPF) maintenance
- Staffing and Pay training
- Cooperative Education Program

EMPLOYEE PROGRAMS AND SERVICES

Where do you as BLM employees turn when you need to know what benefits are available? What do you do if you are injured on the job? As managers, what are your options for providing recognition to a truly outstanding employee?

You may obtain answers to these questions by contacting Employee Programs and Services .

We can help you with the following:

- Incentive Awards
- Employee Suggestion
- Employee Grievance
- Conduct and Discipline Issues
- Performance Appraisal System
- Health Benefits
- Leave Administration
- Wellness and Fitness Programs
- Government Drivers License
- Government Identification
- Counseling
- Exit Interview
- Employee Assistance Program
- Hardship Transfer or Placement
- Retirement (FERS and CSRS)
- Thrift Savings Plan
- Leave Sharing Program

CLASSIFICATION AND POSITION MANAGEMENT

We are responsible for assuring that all positions in BLM-Alaska are properly classified by title, series, and grade level, type of coverage under the Fair Labor Standards Act and whether an employee is required to submit a statement of employment and financial interest.

We also provide position management assistance to supervisors and managers in structuring positions for the purpose of accomplishing the organization's mission.



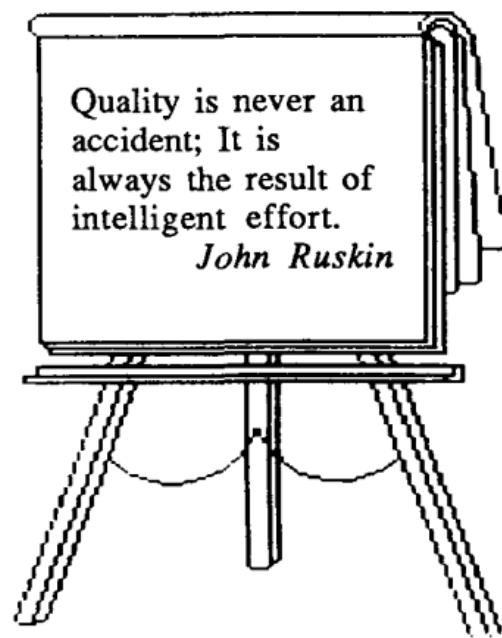
EMPLOYEE DEVELOPMENT AND ORGANIZATIONAL EFFECTIVENESS

We manage a state-wide training program. We assist supervisors in determining training needs and identifying appropriate training resources for employees.

Our Organizational Effectiveness program is designed to improve morale and increase productivity by helping work groups learn to resolve conflict; enhance problem solving skills; and, manage change effectively.

Other services include:

- Employee Orientation
- Career Development
- Career Counseling
- Conflict Management
- Supervisory Development
- Management Development



VOLUNTEER PROGRAM

We manage a statewide volunteer program. Our policy is to encourage, accept, and use volunteers wherever BLM programs or operations would be enhanced or improved.

We help supervisors and managers determine volunteer placement and needs.

We also identify volunteer sources and provide volunteer recognition.

SAFETY AND OCCUPATIONAL HEALTH PROGRAM

We are committed to assuring that BLM employees work in a safe and healthy environment.

We administer the Industrial Hygiene Program and provide consultation to BLM staff on hazardous waste and materials.

We perform job hazard analysis and conduct safety and health training and inspections.



**U. S. Department of the Interior
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513-7599**

**Branch of Human Resource Management
(907) 271-5043**

**Equal Employment Opportunity Office
(907) 271-5066**

TO SMOKE OR NOT TO SMOKE

Smoking is defined as a lighted cigar, cigarette, pipe, or any other lighted tobacco product. The Government policy is that smoking is to be held to an absolute minimum in areas where there are non-smokers. Agency heads have been given the responsibility to determine, in consultation with employees, which areas are to be smoking areas and which areas are to be non-smoking areas. If you wish more information on this topic you may refer to the Code of Federal Regulations, Title 41, Part 101-20, Office Smoking Policy.

Contact: Employee Relations

Reference: CFR Chapter 101-20.109-10

POLICY

Policies exist on almost every aspect of Bureau business. These Bureau policies help insure consistency in how issues are addressed. You need to be aware of them and be sure you know and understand those which in any way affect you and/or the performance of your job.

BLM in Alaska uses both an Annual Work Plan and a longer range Five-Year Plan to establish direction. These plans contain general policies and guidance relative to the work to be accomplished. Instruction Memoranda guide actions during a more limited time. They often have the most specific policy guidance on a topic.

Policy statements are included in every BLM Manual Section, and can be reviewed at any time. Certain pertinent Manual sections will probably be found in your work area. Other sections of a more general nature are permanently located in your local Records Management Section. When policies conflict or are ambiguous, consult your supervisor for guidance, especially in highly sensitive areas.

Contact: Supervisor
 Appropriate District Manager or Deputy State
 Director
 Branch of Human Resource Management
 Branch of Office Services

Reference: BLM Manuals

BUDGETING ANNUAL WORK PLAN

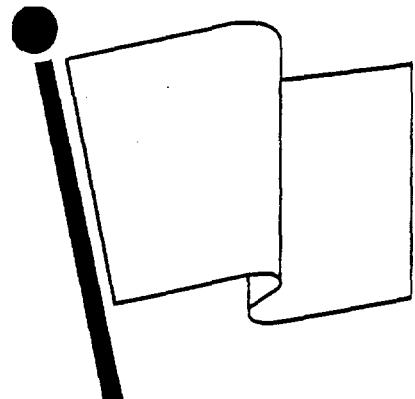
Depending on your position in the organization, you may be called upon to develop a fiscal year budget for your area of responsibility. You may need to submit program needs including estimated travel expenses and equipment and procurement needs to your District Manager, Division Chief, or Branch Chief when called for. In addition, be sure you keep good records of the progress and accomplishments for which your work group is responsible.

Contact: Supervisor
 Program Analyst: _____

Reference: BLM Manual 1680

THE COMBINED FEDERAL CAMPAIGN

The Combined Federal Campaign (CFC) is a "once a year" charitable solicitation among Federal civilian and military employees. Any health or welfare agency - organized, qualified, and recognized by the Internal Revenue Service under 26 U.S.C. 501 (c), (3) - is eligible to receive employee contributions through the CFC. CFC's general campaign kick-off is in the fall of each year. Contributors may contribute by cash, check or payroll deduction, and may designate the specific agency or agencies to which all or part of their donation is to be given. All donations are tax deductible.



Contact: Supervisor
 Public Affairs
 HRM, Staffing Section

Reference: Annual CFC Brochure

LAWSUITS AND THE FEDERAL EMPLOYEE

All Federal employees must be aware of the possibility that they can be sued at some time in their career. It is important that they also learn how to protect themselves if, and when, they become involved in a legal action. A video tape on this subject is available in our two Learning Center locations, courtesy of the BLM State Office in Portland, Oregon. The video, developed by The Portland Federal Executive Board, covers actions for which Federal employees can be sued, the process of litigation, what protections are available for Federal employees, and what Federal employees can do about lawsuits.

Contact: Supervisor

Reference: Federal Employees Liability Reform and Tort Compensation Act of 1988

PERSONAL TELEPHONE CALLS



The General Services Administration has amended the policy on use of Government telephone systems. The new policy makes some major changes that all employees should be aware of.

Employees are authorized to make reasonable but limited, use of Government telephone systems for necessary personal calls that are consistent with the following criteria:

- The call does not adversely affect the performance of official duties by the employee or the employee's organization.
- It is of reasonable duration and frequency.
- It reasonably could not have been made at another time.
- It is provided for in a collective bargaining agreement which was negotiated prior to issuance of the GSA regulation.

Examples of circumstances that may constitute authorized use are:

- Calls to notify family, doctor, etc. when an employee is injured or becomes ill on the job.
- Calls to notify family of schedule change when employee is in travel status.
- An employee traveling for more than one day in the U.S. makes a brief call to his or her residence for other compelling reasons.
- An employee is required to work overtime without advance notice and calls to advise family for transportation, child care arrangements or late arrival home.
- An employee makes a brief call within the local commuting area to speak to a spouse or minor children (or those responsible for their care) to ascertain status or convey an urgent message.
- An employee makes brief calls to locations within the local commuting area that can only be arranged during working hours.

The Department has advised that calls made on commercial lines while in travel status more than one night are allowed. Reasonable efforts should be made to use a government telephone. Reimbursement should be claimed on travel vouchers in the same manner, with approvals, as other business calls in accordance with BLM Manual Section 1382.82D. Reimbursement for authorized calls is limited to an average of no more than one call for each night in travel status.

Contact: Employee Relations
 Office Services

BLM LIBRARY

The Alaska Resources Library is located on the first floor of the new Federal Building. The library is open to all Bureau of Land Management employees, as well as other federal employees and the public. The Resources Library specializes in natural resources of Alaska and has material on land management, biology, geology, botany, archeology, petroleum, minerals, and many other resource related subjects. The library also serves as the legal library for BLM employees with the U.S. Code, U.S. Statutes, Code of Federal Regulations, Federal Register, Alaska Statutes, etc.

Employees of BLM may check out materials, seek reference assistance either in person, by telephone or through the mail and use the books and journals in the library. There is a photocopier, as well as fiche and film copier, for those materials which do not leave the library. If the library does not own the item needed, it will be borrowed from another library on inter-library loan. If the employee is stationed outside the Anchorage area, the library will mail the books out to the employee.

A reference librarian is always on duty to help employees use the library to its maximum capabilities. If you have a question or need research materials, please call, write or stop in at the BLM library.

Contact: BLM Librarian, 271-5025

Reference: BLM Manual 1279



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUL 05 1981

Memorandum

To: All Employees
From: The Secretary
Subject: Drug Free Workplace

Donald Paul Hodel

On September 15, 1986, the President signed Executive Order 12564, Drug-Free Federal Workplace, establishing a policy prohibiting the use of illegal drugs by Federal employees, whether on duty or off duty.

The Executive Order recognized that illegal drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year. The use of drugs on some jobs also endangers our lives and the lives of the public, as well as those dear to us. The Federal Government, as the largest employer in the Nation, has a compelling proprietary interest in establishing reasonable conditions of employment. The intent of the policy is to offer drug users a helping hand and, at the same time, to state unequivocally that drug use will not be tolerated by Federal employees.

We fully appreciate that some of you have some concerns about this program; however, we want to assure you that the program has been designed with the utmost concern for maintaining each individual's privacy and dignity. We ask your complete professional and personal dedication to achieving a drug-free workplace. Help us make this program work for the sake of you, your family, and the public.

The Department of the Interior's Drug-Free Federal Workplace Plan mandates employee and supervisor education, both mandatory and voluntary drug testing, confidentiality, and an employee assistance program. Pursuant to Executive Order 12564 and the Department of the Interior (DOI) plan, DOI employees are hereby notified that drug testing will begin no sooner than 60 days from the date of this notice. A second, individual notice also will be distributed to each employee in a sensitive position designated for random testing at least 30 days before testing begins. This individual notice indicates that the position has been designated a "testing designated position" (TDP). Approximately 25 percent of the Department's positions are testing designated positions.

These include numerous top management, law enforcement, regulatory, aviation, vehicle operation, and administrative positions. To show support for the program, the Under Secretary and I and most of our immediate staff are in testing designated positions. We will be subject to the same rules and procedures as all other employees. Also, like every other employee occupying a TDP, we will receive no advance notice other than the 30-day individual notice, and our samples will receive no special treatment, but will be handled under the Department of Health and Human Services (HHS) Scientific and Technical Guidelines which apply to all tests.

In addition to random testing, other types of testing will include: reasonable suspicion, accident or unsafe practices, applicant, and rehabilitation follow-up testing. Employees may also volunteer to have their position placed in the TDP pool for random testing, even if not identified for random testing. The drugs to be tested for are marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

In accordance with standards and the requirements established by HHS, the drug testing program will use the most up-to-date scientific and technical procedures. The laboratory assessment is a series of tests which are highly accurate and reliable. If initial screening tests positive, that sample will be retested using an extremely accurate confirmation test. As an added safeguard, these second verified positive results will be reported to the Department's Medical Review Official for review. Strict chain of custody procedures will be followed throughout the testing process.

When a verified positive test result has been returned by the laboratory, the Medical Review Official (MRO) may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. Also, the MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication.

Every employee found to use illegal drugs shall be referred to the Department's Employee Assistance Program (EAP). The EAP shall be administered separately from the testing program and shall be available to all employees without regard to a finding of drug use. The EAP shall provide counseling or rehabilitation for all referrals, as well as education and training regarding illegal drug use. The EAP is available not only to employees, but, when feasible, to the families of employees with drug problems, and to employees with family members who have drug problems. Contact with counselors may be made directly through existing bureau arrangements or through the servicing personnel office. Although EAP contacts vary in each bureau, you may also locate their telephone numbers by calling 1-800-627-DRUG for the information.

Additionally, action shall be initiated to discipline any employee found to use illegal drugs. In accordance with the section on voluntary referral in the Department's Drug-Free Workplace Plan, if an employee voluntarily admits his or her use prior to being identified as a user of illegal drugs, completes counselling or an EAP, and thereafter refrains from drug use, such discipline is not required. The initiation of disciplinary action shall be consistent with the Civil Service Reform Act and other statutes, OPM regulations, and Chapter 370 DM 752 of the Departmental Manual, and may include any of the full range of disciplinary actions, from written reprimand to removal.

Confidentiality is a critical aspect of the Department's plan. Positive test results verified by the Medical Director may only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process adverse action against the employee, or a court of law or administrative tribunal reviewing an adverse personnel action.

Management will seek ways to the extent practical to involve, where appropriate, bargaining unit representatives in program implementation.

Thank you for your support in this effort to provide a better work environment while carrying out our responsibilities in as safe and responsible a manner as possible for the citizens of this country.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

1400-792 (971)

April 16, 1990

Information Bulletin No. AK-90-94

To: All Employees
From: Deputy State Director for Support Services
Subject: Physical Fitness Exercise Facilities

Nation-wide interest and research in physical fitness, both in the Federal and private sectors, have demonstrated the universal benefits of physical exercise. Engaging in a program of regular exercise reduces risk of disease, lowers health care costs and improves morale and productivity.

The encouragement of employees to participate in physical fitness exercise programs is one of the primary factors in the overall employee wellness program. Other facets of the program are employee and family counseling services; substance abuse awareness and prevention; and a comprehensive health maintenance program including physical examinations. The contract costs for physical examinations and counseling services are currently in excess of \$149,000 per year for BLM Alaska.

There has been a recent renewal of employee interest in a Bureau sponsored physical fitness program whereby fees for physical fitness facilities might be paid by the Bureau and employees are provided official time in which to exercise. A contract for exercise facility memberships would increase that cost significantly at a time when budget constraints are mandatory. In the future, when funding is available, a study will be conducted toward establishing a Federal-wide fitness facility in both Anchorage and Fairbanks with a concept similar to the Federal Child Care program currently underway.

Private clubs and fitness facilities are not the only avenue of exercise. Many local recreation centers, community schools, and universities have excellent programs at nominal costs. Also, proven activities such as biking, walking or jogging require no facilities. This type of physical exercise can take place in a short period of time and is an excellent way of improving cardiovascular capacity and overall health.

Use of the alternate work schedules is encouraged to accommodate employees' physical fitness endeavors during the workday. However, supervisors may authorize no more than one and one-half hours per week of official time to full-time employees to engage in physical fitness activity to be matched with an equal amount of time spent of the employee's own time. Agreements to match use of personal time with official time must be negotiated before official time is authorized

Employees are encouraged to engage in physical fitness pursuits suited to their personal goals and financial means. It is never too late to start such a program and to do so will benefit not only yourselves but your families as well.

Information on agreements for the use of official time may be obtained from Bonnie Johnson in Human Resource Management at 271-3171.

Francia D. Lickteig

United States Department of the Interior
Bureau of Land Management
Alaska State Office
222 W. 7th Avenue, #13
Anchorage, Alaska 99513

1703 (933)

April 24, 1990

Instruction Memorandum No. AK-90-184
Expires: 9/30/91

To: All Employees

From: State Director, Alaska

Subject: Hazardous and Solid Waste Minimization Policy for Alaska

Sunday, April 22, 1990, marked the 20th anniversary of the first Earth Day. This anniversary is also being used as a launching point for what has been identified as the "decade of the environment." There have been a number of polls confirming that the American public has an increased concern about the environment and hazardous materials. A major report was published on February 7, 1990, by the National Governors Association and National Association of Attorney Generals titled "From Crisis to Commitment: Environmental Cleanup and Compliance at Federal Facilities." The report challenges the Federal Government to improve and accelerate its commitment to the cleanup and protection of federal lands and facilities.

The BLM's mission statement acknowledges "As the Nation's principle land managing agency, BLM also has the responsibility to manage hazardous materials as they may effect the public lands." BLM Alaska currently manages 92.9 million acres of land. Understandably, this is a monumental challenge that faces us all. One of the best places to start is at "home" with the internal BLM waste stream and disposal of hazardous waste we generate. The Resource Conservation and Recovery Act requires all agencies to minimize their internal waste generation through conservation, proper recycling and reuse of hazardous materials

As a general policy BLM Alaska will:

- Procure only what is reasonable and required for an activity to avoid accumulation of excessive amounts of unused hazardous materials which could become a waste subject to RCRA disposal requirements.

- Use alternative non-hazardous chemical products instead of hazardous materials wherever practical.
- Seek processes that use fewer or no chemicals to accomplish the same task and to recycle hazardous materials we generate.
- Utilize the most environmentally sound approved disposal method of hazardous waste.
- Strive for improved waste handling practices and hazardous waste segregation.
- Dispose of hazardous waste in a timely fashion.
- Encourage paper and other materials to be recycled within the work place.
- Establish paper and other recyclable material management program within the work place.
- Promote working partnerships with the state, local communities, and other federal agencies to participate in waste reduction programs.

Minimizing hazardous and solid waste generated by BLM facilities has an obvious economic incentive and environmental and social benefit. The cost for disposal of hazardous waste in Alaska is extremely expensive and options are extremely limited. Reducing toxic chemical risk is an effective way to reduce the Bureau's liability and is good policy.

There will be an increased effort made to provide adequate training to assist you with the task at hand.

This is a program that requires everyone's commitment and cooperation. We have an opportunity to make a positive impact to the environment, state, and local community. I am formally soliciting suggestions from all employees for the reduction of hazardous materials within our work place and implementation of this program for BLM Alaska. Please submit your written suggestions to Wayne Svejnoha (AK 933).



Lester K. Rosenkrance
Associate State Director

GENERAL SERVICES ADMINISTRATION
IRMS, 9KMT-10N1
222 West 7th Avenue, #35
Anchorage, AK 99513-7583

April 18, 1990

MEMORANDUM FOR Federal Agency Telephone Coordinators
Anchorage I, Alaska

FROM Susan E. Pemberton *Susan E. Pemberton*
Telecommunications Systems Manager

SUBJECT FTS2000 Dialing Instructions/Testing

Enclosed for your information are the FTS2000 dialing instructions for your location. Cutover of the new FTS2000 network will take place Friday, April 27th, at approximately 5:00pm. Please be certain that all employees are aware of these changes to the dialing instructions prior to the actual cutover.

In addition, we request your assistance with the post-cutover testing of the FTS2000 network. If each user will dial the designated FTS access code for your agency (77 or 78) and 988-1234, they will get a recording welcoming them to FTS2000 and indicating whether they have reached Network A or Network B. If you are unable to reach the proper network, please call our office at x5566. Please make every effort to have each line in your office verified by close of business Monday, April 30th.

Thank you for your assistance and continued cooperation. If you should have any questions regarding this memorandum, please call me at 271-3628.

FTS2000 Dialing Instructions

Anchorage I, 222 W. 7th Avenue

Effective April 30, 1990

Local Anchorage numbers

9 + commercial number

Other Alaska cities & the Lower 48

FTS

77 or 78 + FTS number

Commercial

77 or 78 + area code + commercial number

Operator assist calls

9 + 0 + area code + commercial number

Toll free calls

9 + 800 + number

Directory Assistance - Local

9 + 411

Directory Assistance - Long Distance

77 or 78 + area code + 555-1212

Trouble calls

x5566

Use "77" if calling from:

Network A - AT&T

Agriculture
Commerce
Congress
Defense
Energy
Environmental Protection Agency
Health and Human Services
Interior
Transportation

Use "78" if calling from:

Network B - Sprint

General Services Administration
Housing and Urban Development
Justice
Labor
National Labor Relations Board
National Transportation Safety Board
Office of Personnel Management
Small Business Administration
Treasury
U. S. Courts
Veterans Affairs

Alaska FTS Prefixes

Anchorage (271) 868
Anchorage (261) 869
Fairbanks (456) 870
Juneau (586) 871

USFW/Anch (786) 869
BLM/Fbks (356) 870
BLM/Fbks (474) 870
USFS/Sitka (747) 871

PHS/Anch (257) 868
NPS/Anch (257) 869
BLM/Anch (267) 869
USGS/Anch (561) 869

United States Department of the Interior
Bureau of Land Management
Alaska State Office
222 W. 7th Avenue, #13
Anchorage, Alaska 99513

1400-550.3 (930)

April 23, 1990

Information Bulletin No. AK-90-104

To: All Employees
From: State Director, Alaska
Subject: 1990 Savings Bond Campaign

It is my pleasure to announce that the Department of the Interior will start its annual U.S. Savings Bond Campaign on May 1st.

Savings Bonds are a proven method of investing in your future. With their market-based rate, savings bonds guarantee a continuously fair return on your money (better than savings accounts). By utilizing a payroll deduction, you can save easily and painlessly.

A fantastic new feature of savings bonds, beginning in 1990, is that they may be tax exempt from Federal tax if they are redeemed during the year that tuition and fees are paid to colleges, universities, and qualified technical schools. The bonds are already exempt from State and local taxes. What a way to save for the future education costs of your kids or grandkids...or yourself.

A very pleasant person will soon be handing you some savings bonds brochures and a sign up card for new or increased allotments. I encourage you to invest in yourself through purchase of U.S. Savings Bonds.



ALPHABET SOUP (Worldly Acronyms)

A&E	Architectural and Engineering	BM	Bench Mark
AA	Affirmative Action	BOA	Basic Ordering Agreement
AALMRS	Alaska Automated Lands & Minerals Records System	BOM	Bureau of Mines
AALRS	Alaska Automated Lands Records System	BOR	Bureau of Reclamation
AAP	Affirmative Action Plan/ All American Pipeline	BOR	Bureau of Outdoor Recreation
AC	Allowable Cut	BPS	Bureau Planning System
ACEC	Area of Critical Environmental Concern	BR	Branch
ACHP	Advisory Council on Historic Preservation	BRASS	Bonus & Rental Accounting Support System
ACSM	American Congress on Surveying and Mapping	BSI	Baseline Studies Initiated
AD	Assistant Director	BT	Bearing Tree
ADM	Associate District Manager	BY	Budget Year
ADO	Assistant Disbursing Officer		
ADO	Alleged Discriminating Officer		
ADP	Automated Data Processing	CAM	Construction and Maintenance
AE	Area Engineer	CAMP	Campaign Against Marijuana Planting
AFA	American Forestry Association	CAMU	Classification and Multiple Use Act
AFILMS	Automated Federal and Indian Lease Management System	CEQ	Council on Environmental Quality
AFN	Alaska Federation of Natives	CER	Categorical Exclusion Review
AFO	All Field Officials	CERCLA	Comprehensive Environmental Response
AFS	Alaska Fire Service/American Fisheries Society	CF	Compensation and Liability Act (of 1980)
AIA	American Institute of Architects	CFR	Central Files
AID	Agency for International Development	CG	Code of Federal Regulations
AIFRB	American Institute of Fishery Research Biologists	CIR	Comptroller General
AIRFA	American Indian Religious Freedom Act	CJC	Color Infrared
ALJ	Administrative Law Judge	CMA	Compare Job Code
ALDS	Automatic Lighting Detection System	CO	Cooperative Management Agreement
ALMRS	Automated Land & Mineral Records System	COAR	Contracting Officer
AM	Area Manager	COB	Contracting Officer's Authorized Representative
AMA	American Motorcycle Association	COE	Close of Business
AMP	Allotment Management Plan	COR	Corps of Engineers
ANCSA	Alaska Native Claims Settlement Act	COT	Contracting Officer's Representative
ANGTS	Alaska Natural Gas Transportation System	CPDF	Color of Title
ANILCA	Alaska National Interest Lands Conservation Act	CPU	Central Personnel Data File
ANLA	American National Livestock Association	CR	Central Processing Unit
ANWR	Arctic National Wildlife Reserve	CRMP	Cultural Resources
AO	Administrative Officer or Authorized Officer	CRT	Cultural Resource Management Plan/
AO	Area Office	CSC	Coordinated Resource Management & Planning
AP	Activity Plan	CUBE	Cathode Ray Tube
APD	Application for Permit to Drill	CUDDO	Civil Service Commission (Currently OPM)
ARS	Agricultural Research (USDA)	CX	Cooperative Users of Burroughs Equipment
ASAP	As Soon As Possible	CY	Communication Unitization, Drainage,
ASCE	American Society of Civil Engineers	CZMA	Development and Determination
ASD	Associate State Director	CZMP	Categorical Exclusion
ASFMRRA	American Society of Farm Managers and Rural Appraisers		Calendar Year
ASRM	American Society of Range Management		Coastal Zone Management Act
ASO	Alaska State Office		Coastal Zone Management Plan (or Program)
ASTM	American Society for Testing Materials	DAD	Deputy Assistant Director
ASTP	Annual Timber Sale Plan	DAT	District Archaeological Technician
ASVT	Applications Systems Verification Test	DBM	Data Base Management
ATROW	Access and Transportation Rights-of-Way	DD	Deputy Director
ATTN	Attention	DD	Due Date
ATV	All-Terrain Vehicle	DDB	Directive Digest Bulletin
AUM	Animal Unit Month	DDP	Detailed Development Plan
AWOL	Absent Without Leave	DED	Data Element Dictionary
AWP	Annual Work Plan	DEIS	Draft Environmental Impact Statement
		DFC	Denver Federal Center
BIA	Bureau of Indian Affairs	DLA	Desert Land Application
BIFC	Boise Interagency Fire Center	DLE	Desert Land Entry
BIG	Blacks In Government	DM	District Manager
BLM	Bureau of Land Management	DM	Departmental Manual
BLS	Bureau of Labor Statistics	DO	District Office

DOD	Department of Defense	FWP	Federal Women's Program
DOE	Department of Energy	FWPM	Federal Women's Program Manager
DOI	Department of Interior	FWS	Fish and Wildlife Service
DOJ	Department of Justice	FY	Fiscal Year
DPP	Development Project Proposal	FYI	For Your Information
DPS	Dependent Project Survey		
DRD	Detailed Requirement Definition		
DSD	Deputy State Director		
e.g.	For Example	GAO	General Accounting Office
EA	Environmental Assessment	GEM	Geology Energy & Mineral Resources Program
EAR	Environmental Analysis Record/	GIS	Geographic Information System
	Environmental Assessment Report	GM	General Management (Pay Schedule)
EDS	Employee Development Specialist	GME	General Management Evaluation
EEO	Equal Employment Opportunity	GPO	Government Printing Office
EEOC	Equal Employment Opportunity Commission	GS	Geological Survey/General Schedule
EEOM	Equal Employment Opportunity Manager	GSA	General Services Administration
EFF	Emergency Fire Fighter	GTR	Government Transportation Request
EIS	Environmental Impact Statement		
EMARS	Energy Minerals Activity Recommendation System	HASC	Hydroelectric Assessment Steering Committee (NWPPC)
EO	Executive Order	HEP	Hispanic Employment Program
EOD	Entered on Duty	HEPM	Hispanic Employment Program Manager
EOY	End of Year	HMP	Habitat Management Plan
EPA	Environmental Protection Agency	HQ	Headquarters (Washington Office)
EPES	Environmental Protection and Enhancement System	HRDC	Human Resource Development Committee
ER	Employee Relations	HRM	Human Resource Management
ERA	Equal Rights Amendment	HUD	Housing and Urban Development, Department
ERTs	Energy Research Technology Satellite	i.e.	That is, Such as
ERIS	Energy Research Information System	I&E	Information and Education/Inspection and Enforcement
ERM	Employee Relations Manager	I&P	Inventory and Planning
ERS	Employee Relations Specialist	IAC	Insurance Awards Committee
ES	Environmental Statement	IAMS	Initial Attack Management System
ESO	Eastern States Office	IB	Information Bulletin
et al.	and Others	IBCA	Interior Board of Contract Appeals
ETA	Estimated Time of Arrival	IBLA	Interior Board of Land Appeals
ETD	Estimated Time of Departure	ICCC	Interagency Cadastral Coordination Council
		IDP	Individual Development Plan
FAA	Federal Aviation Administration	IDT	Interdisciplinary Team
FAR	Federal Acquisition Regulations	IFA	Industrial Forestry Association
FEIS	Final Environmental Impact Statement	IG	Inspector General
FEORP	Federal Equal Opportunity Recruitment Plan	IM	Instruction or Information Memorandum
FERC	Federal Energy Regulatory Commission	INC	Incident of Non-Compliance
FFS	Federal Financial System	INT	Interior
FIO	Fire Information Officer	IPMR	Interior Proper Management Regulations
FLO	Federal Land Ownership	IPR	Interior Procurement Regulations
FLPMA	Federal Land Policy and Management Act	IPSR	Indian Power Site Reserve
FLUP	Free Land Use Permit	IR	Infrared
FMO	Fire Management Officer	IRM	Information Resource Management (Division of)
FMP	Forest Management Plan	IRWA	International Rights Of Way Association
FMS	Financial Management System	ITP	Individual Training Plan
FOGRMA	Federal Oil & Gas Royalty Management Act	IWLA	Izaak Walton League of America
FOIA	Freedom of Information Act		
FONSI	Finding of No Significant Impact		
FPA	Federal Power Act	KGRA	Known Geothermal Resources Area
FPAS	Federal Property and Administrative Service Act	KGS	Known Geologic Structures
FPC	Federal Power Commission	KLA	Known Leasing Area
FPL	Full Performance Level	KRCRA	Known Recoverable Coal Resource Area
FPM	Federal Personnel Manual	KSA	Knowledge, Skills and Abilities
FPMR	Federal Property Management Regulations	KSLA	Known Sodium Lease Area
FPR	Federal Procurement Regulations		
FR	Federal Register	L&RR	Lands and Renewable Resources
FRC	Federal Records Center	LAM	Lands and Minerals
FS	Forest Service (also USFS)	LANDSAT	Satellite Imagery
FTE-P	Full Time Equivalent - Permanent	LWCF	Land and Water Conservation Fund
FTE	Full Time Equivalency/Full Time Equivalent	LD	Land Decision
FTE-O	Full Time Equivalent - Other	LDOD	Last Day of Duty
FTS	Federal Telecommunication System	LLA	Land Law Assistant
FUP	Free Use Permit		

LLE	Land Law Examiner	O&G	Oil and Gas
LIS	Land Information System	OAS	Office of Aircraft Services
LMR	Labor Management Relations	OB	Operating Budget
LMRO	Leasable Mineral Resource Occurrence	OCR	Optical Character Recognition
LMU	Logical Mining Unit	OCS	Outer Continental Shelf
LUP	Land Use Permit	OD	Organization Development
LWOP	Leave Without Pay	OEO	Office of Equal Opportunity
		OEPR	Office of Environmental Project Review (Department of the Interior)
M-AFS	Manager Alaska Fire Service	OF	Official Form
MBF	Thousand Board Feet	OHV	Off-Highway Vehicle
MBO	Management by Objectives	OIS	Office Information System
MC&W	Meetings, Conferences and Workshops	OJT	On-the-Job Training
MDC	Miscellaneous Documents Clerk	OMB	Office of Management and Budget
MDE	Miscellaneous Documents Examiner	OMPB	Office of Management, Planning and Budget (Alaska)
MDP	Management Development Program	ONA	Outstanding Natural Area
M-FSC	Manager Fairbanks Support Center	OPA	Office of Public Affairs
MFP	Management Framework Plan	OPF	Official Personnel Folder
M&L	Management and Leadership (Bureau Career Training)	OPM	Office of Personnel Management
MLSM	Mining Law and Saleable Minerals	OPS	Operational Planning Systems
MLR	Management of Lands and Resources	ORV	Off-Road Vehicle
MMBF	Million Board Feet	OSHA	Occupational Safety & Health Administration
MMS	Minerals Management Service	OSM	Office of Surface Mining
MOA	Memorandum of Agreement	OWCP	Office of Workers Compensation Program
MOP	Maintenance Operating Plan		
MOU	Memorandum of Understanding		
MSHA	Mine Safety and Health Administration		
MSPB	Merit System Protection Board		
MTP	Master Title Plats		
MW	Megawatt		
MYR	Midyear Review		
NAHC	Native American Heritage Commission	PAA	Planning Area Analysis
NARS	National Archives and Records Service	PAO	Public Affairs Officer (State)
NBEI	Non-Bureau Energy Initiatives	PAWP	Preliminary Annual Work Plan
NCSS	National Cooperative Soil Survey	PC	Personal Computer
ND	Nominations Due	PCI	Proprietary Confidential Information
NEPA	National Environmental Policy Act	PCT	Pacific Crest National Scenic Trail
NES	Not Elsewhere Specified	PD	Public Domain/Position Description
NFYF	Normal Fire Year Plan	PDEIS	Preliminary Draft Environmental Impact Statement
NGCN	National Geodetic Control Network	PDP	Preliminary Development Plan
NGPA	Natural Gas Policy Act	PEC	Planning and Environmental Coordination
NHPA	National Historic Preservation Act	PECS	Planning and Environmental Coordination Staff
NIA	Notice of Intent to Abandon (O&G)	PEIS	Preliminary Environmental Impact Statement
NID	Notice of Intent to Drill	PET	Petroleum Engineering Technician
NIMS	National Interagency Incident Management System	PFEI	Preliminary Final Environmental Impact Statement
NLT	No Later Than	PFT	Permanent Full Time
NOA	Notice of Availability	PGW	Producing Gas Well
NOE	Not Open to Entry	PI	Performance Improvement
NOI	Notice of Intent	PILT	Payments in Lieu of Taxes
NOL	Not Open to Lease	PIO	Public Information Officer
NOM	Not Open to Mining	PIPR	Performance Improvement and Position Review
NORA	Notice of Realty Action	PL	Public Law/Public Lands
NOW	National Organization of Women	PLO	Public Land Order
NPRA	National Petroleum Reserves Alaska	PMC	Personnel Management Committee/Position
NPS	National Park Service/Native Plant Society	PMS	Personnel Management Specialist
NRDC	National Resources Defense Council	PO	Personnel Office
NRHP	National Register of Historic Places	POO	Plan of Operation
NSPE	National Society of Professional Engineers	POV	Privately Owned Vehicle
NTE	Not to Exceed	POW	Producing Oil Well
NTL	Notice to Lessee	PPA	Preplanning Analysis
NTSA	National Trails System Act	PPR	Prospecting Permit Reports
NWF	National Wildlife Federation	PPT	Permanent Part Time
NWMA	Northwest Mining Association	PR	Public Relations
NWPPC	Northwest Power Planning Council	PRIA	Public Rangelands Improvement Act of 1978
NWR	National Wildlife Refuge	PSC	Power Site Classification
NWTA	North West Timber Association	PTC	Phoenix Training Center
		PTCC	Part-time Career Conditions
		PU	Planning Unit

R/W	Right-of-Way (also ROW)	TO	Table of Organization (also T/O)
R&PP	Recreation & Public Purpose	TPCC	Timber Production Capability Classification
RA	Resource Area	TPEC	Technical Proposal Evaluation Committee
RAH	Resource Area Headquarters	TUP	Temporary Use Permit
RAH	Resource Area Headquarters (Detached)	TV	Travel Voucher
RAMP	Recreation Activity Management Plan		
RARE	Roadless Area Review and Evaluation		
RAW	Remote Automatic Weather Stations	UA	Unit Agreement
RFP	Request for Proposal	UM	Upward Mobility
RIF	Reduction in Force	UOA	Unit Operating Agreement
RIS	Recreation Information System	URA	Unit Resource Analysis
RM	Royalty Management	USC	United States Code
RMA	Recreation Management Area	USCA	United States Code Annotated
RMAS	Range Management Automated System		
RMP	Resource Management Plan	VRM	Visual Resource Management
RMS	Records Manager System		
RNA	Research Natural Area		
ROD	Record of Decision		
ROS	Recreation Opportunity Spectrum	W&SR	Wild and Scenic River
RPA	Resource Planning Act	WAE	When Actually Employed
RPS	Rangeland Program Summary	WAR	Work Assignment Record
RSH	Reservoir Site Reserve	WC&D	Watershed Conservation and Development
RTD	Return To Duty	WCB	Will Call Back
RUP	Recreation Use Permit	WD	Work Day
RV	Recreation Vehicle	WFIA	Western Forest Industries Association
		WG	Wage Grade
		WHBA	Wild Horse & Burro Act
		WHMP	Wild Horse Management Plan
SA	Special Agent	WJC	Work Job Code
SAC	Special Agent in Charge	WL	Wage Leader
SAM	State Aviation Manager	WM	Workmonth
SC	Service Center (Denver)	WMI	Wildlife Management Institute
SCS	Soil Conservation Service	WO	Washington Office
SD	State Director	WOL	Withdrawal
S&D	Survey and Design	WS	Wage Supervisor
SRP	Socio-Economic Profile/Special Emphasis Program	WSA	Wilderness Study Area
SEIS	Supplemental Environmental Impact Statement	WY	Work Year
SEPA	Socio-Economic Profile Area		
SES	Senior Executive Service		
SF	Standard Form		
SIMAC	Simulated Intensive Management Allowable Cut	YACC	Youth Adult Conservation Corps
SHPO	State Historical Preservation Officer	YCC	Youth Conservation Corps
SIS	State In-Lieu Section		
SIMO	Simultaneous Oil and Gas		
SLUP	Special Land Use Permit	ZBB	Zero Base Budget
S&M	Soil and Moisture		
SME	Subject Matter Expert		
SNAP	Significant Natural Area Program		
SO	Secretarial Order/State Office		
SOL	Solicitor		
SOP	Standard Operating Procedure/Suspension of Operations		
	Production		
SOW	Statement of Work		
SPCC	Prevention Control and Compensation Program		
S&R	Search and Rescue		
SRP	Special Recreation Permit		
ST	Small Tract		
SVIM	Soil, Vegetation Inventory Method		
S&W	Soil & Watershed		
SWA	Soil, Water, Air		
SYU	Sustained Yield Unit		
T&A	Time & Attendance		
T&E	Threatened and Endangered		
T&R	Township and Range		
TA	Travel Authorization/Temporarily Abandoned (O&G)		
TBA	To Be Announced		
TCP	Timber Cutting Permit		
TMP	Timber Management Plan		
T&LS	Title And Land Status		

To New Employees:

Attached for your convenience is a memo to be used in requesting a current copy of the BLM-Alaska telephone directory. To obtain a copy, first contact your supervisor or office secretary and if one is not available from them, submit this memo to Lynn Stamey.

Good luck in your new position.

Memorandum

To: Lynn Stamey (943)

From: _____ ()

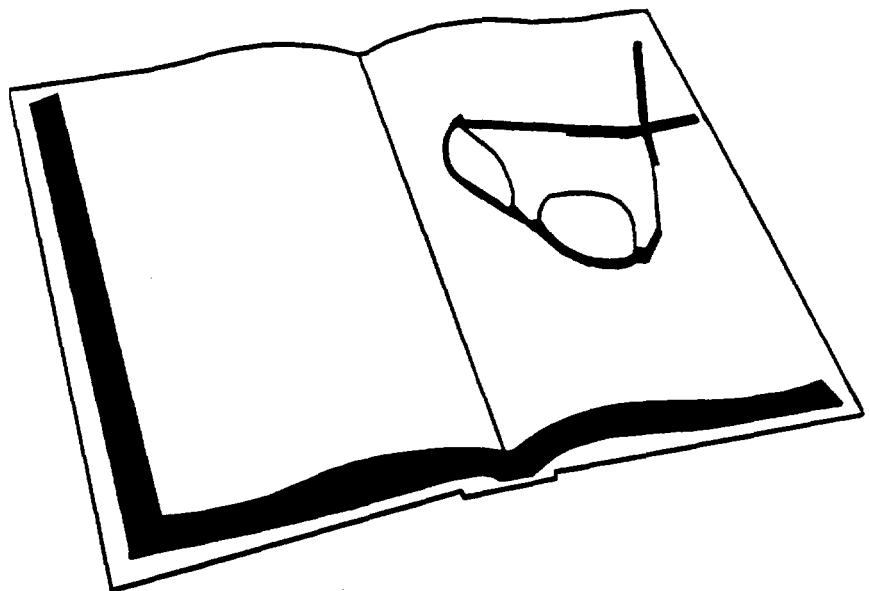
Subject: Telephone Directory for BLM-Alaska

I am a new employee who has just received a copy of the "BLM and You" Orientation Guidebook. In order to acquaint me with the organization and give me telephone numbers for individuals with whom I will be in contact, I am requesting from you a current copy of the BLM-Alaska telephone directory.

Thank you for your prompt assistance.

REFERENCES/ASSIGNMENTS

Your supervisor or sponsor will arrange for you to view several video programs which are an important part of your orientation. The specific programs you will be required to review will depend upon your past experience with other government agencies and the BLM. Your supervisor may also make some reading assignments to augment your orientation.



What

Date Complete

READING ASSIGNMENTS

2. How to use this Guidebook
3. BLM Mission and Roots
4. Charts/Directories
5. You and BLM's Image
6. Responsibility & Conduct
7. Equal Employment Opport.
8. Safety
9. Work Hours, Leave, etc.
10. Pay & Money Matters
11. Insurances & Retirement
12. Vehicle/Equipment Use
13. Procurement
14. Travel Procedures

15. Records System

16. Performance Review

17. Training & Development

18. Incentive Awards

19. The Grievance System

20. Merit Promotion

21. Things to Know

22. Miscellaneous

23. References

24. Notes

Insert E

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U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

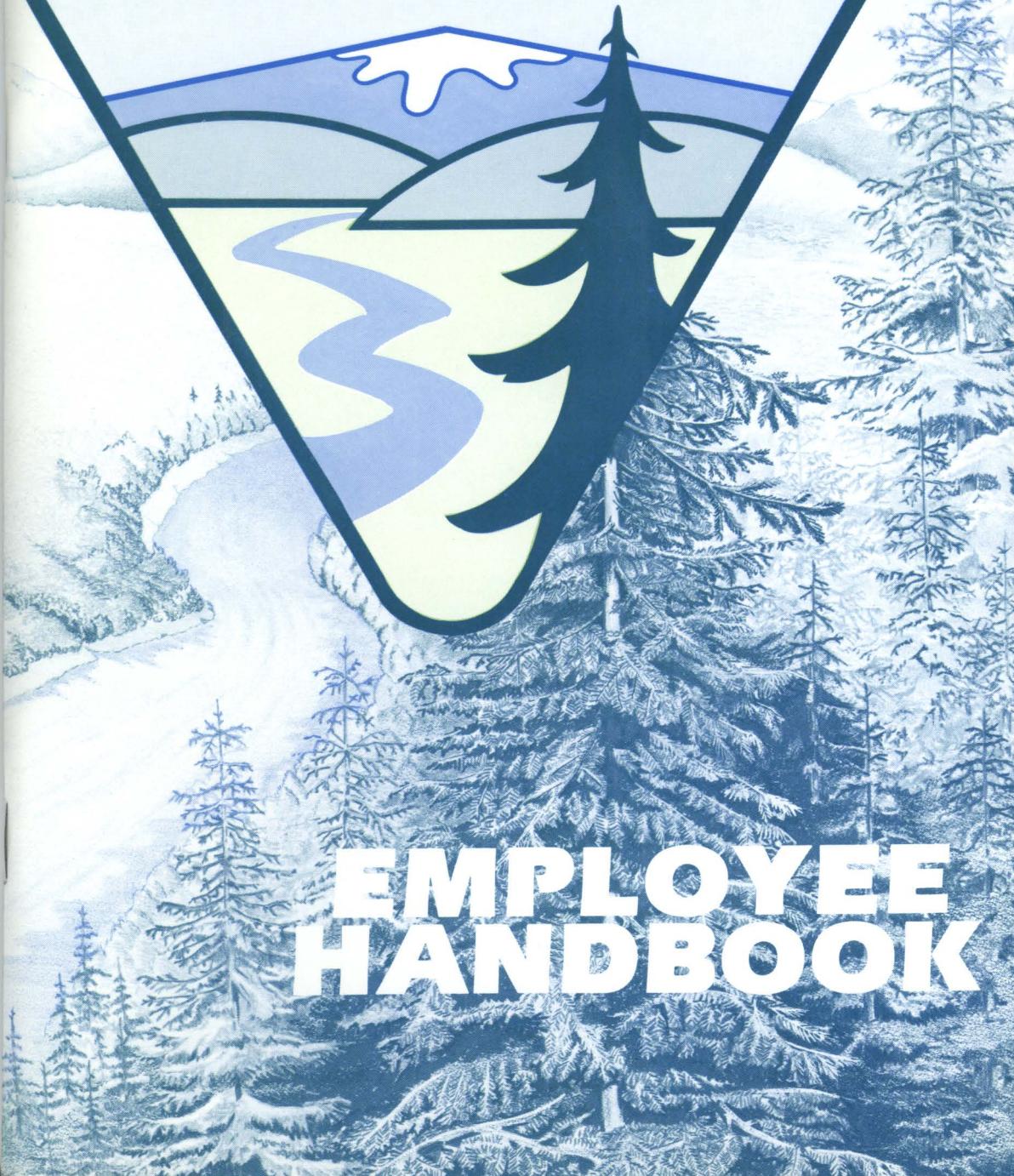
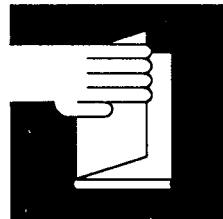


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FOREWORD

Welcome to the Bureau of Land Management. We sincerely hope you will find your work both interesting and rewarding.

"The Bureau of Land Management (BLM) is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple-use and sustained yield; a combination of uses that takes into account the long term needs of future generations for renewable and non-renewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values."

BLM was established on July 16, 1946, through the consolidation of the General Land Office (created in 1812) and the Grazing Service (formed in 1934). It is the principal administrator of the Federal public lands and its responsibilities include:

I. Managing the Nation's public lands and resources wisely, to prevent waste and destructive exploitation, and to preserve and protect the priceless heritage and destiny of the public resources in the Bureau's trust.

II. Assuring the continued role of the public domain as a storehouse of land and resources from which future national needs can be supplied by:

- Rebuilding and restoring the productivity of millions of acres whose lifegiving topsoil and nourishing vegetation have been taken away by the ravages of flood, wind, fire and over-use;
- Harvesting the products of renewable resources under sustained yield, assuring future generations of equal or better supply;
- Facilitating the extraction of nonrenewable resources under conditions that prevent waste and take adequate account of future needs;
- Administering mineral leasing on lands where mineral interest has been reserved or acquired by the United States;

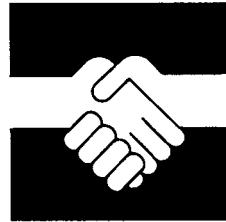
- Administering varied programs for outdoor recreation and wildlife values of the public lands;
- Serving the entire Nation, by managing these lands and resources under the highest standards of competence and efficiency and with full consideration for the quality of the environment.

You are joining BLM at perhaps the most fascinating point in its history as we progress into this Nation's third century—a new era for public land management. There is renewed public interest in the future of these lands and their resources with strong emphasis on prudent use and a sensitivity to environmental concerns. New and challenging demands are being placed on the vast resources of the 270 million acres of public land administered by the agency.

To become energy self-sufficient America needs the fossil fuels that lie in abundance beneath these lands. American industry relies more heavily on the land's rich mineral resources and timber resources and timber harvests. Livestock production is required to help feed the Nation's expanded population. At the same time, the habitat of native wildlife must be enhanced and protected, watersheds that store water vital to our cities and farmlands must be safeguarded, and the solace and opportunities for recreation enjoyed by millions must be maintained. These lands also contain historical and archaeological values that must be preserved for future generations of Americans. BLM attempts to meet all of these important demands in a balanced, environmentally sound manner. It takes the varied skills and talents of many employees to meet this goal, and we are glad you are now a member of this team dedicated to the wisest use of our public lands.

This handbook will acquaint you further with the Bureau and with your responsibilities as one of its employees and as an employee of the Federal Government. We are sure you will find it a valuable source of information.

INTRODUCTION

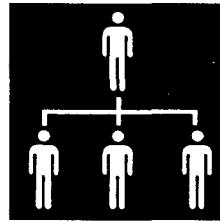


In this handbook you will find information about BLM, and brief descriptions of many phases of the Federal personnel program. It should answer basic questions about your rights and privileges and what is expected of you as a Federal employee.

Most phases of the Bureau's personnel program are governed by Acts of Congress, Executive Orders, rules and regulations of the Office of Personnel Management (OPM), and decisions of the Comptroller General. Other phases are those resulting from policies and regulations of the Department of the Interior and the Bureau.

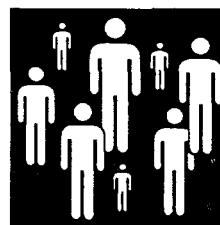
If there is anything in this booklet that is not clear to you, or if it does not answer your questions, you are encouraged to go to your supervisor, your personnel office, or your administrative office for additional information.

The multiplicity of laws affecting personnel subjects so important to Government employees and their families are "codified" in Title 5 of the U.S. Code. The Office of Personnel Management, the Department, and your Bureau follow the subject matter classification and numbering system in Title 5 when issuing regulations, instructions, or guidelines. OPM regulations, instructions and guidelines are issued and maintained through the Federal Personnel Manual (FPM) system. The FPM system consists of 3 components; a basic manual and more than 25 separate supplements; FPM Letters which provide instructions and guidance to be followed pending revision of the basic FPM; and FPM Bulletins which give short term instructions and notices. The Department and the Bureau also have personnel manuals which follow the same Title 5 and FPM classification and numbering system.



YOUR SUPERVISOR

Your supervisor is your major point of contact for information about your job and work related matters. As can be seen from all of the information in this handbook, it would be impossible for any individual to be totally familiar with all of the variety of benefits, requirements and processes within the Federal personnel system. Your supervisor, however, has much of this knowledge. Furthermore, he or she knows where the "experts" are and from whom to get more information. Look to your supervisor for assistance in answering questions you have and for dealing with problems which might occur.



EQUAL OPPORTUNITY

BLM is committed to a program to ensure nondiscrimination and promote equal opportunity in every aspect of Bureau policies and practices affecting employees and applicants for employment or Bureau financial assistance. The Bureau Equal Employment Opportunity (EEO) program is a compliance program developed under statutory and regulatory requirements of the Civil Rights Act of 1964, as amended, the Civil Service Reform Act of 1978, and related laws and regulations.

The goal of the EEO program is to ensure that BLM develops and maintains a workforce that reflects the diversity of the Nation's citizenry. To accomplish this goal, the EEO program strives for the elimination of underrepresentation and underutilization of women and minorities in the Bureau's various job, grade and occupational categories and in management and supervisory positions. This is accomplished through the development and implementation of Bureau wide and State Office

multi-year Affirmative Employment Plans. The Federal Equal Opportunity Recruitment Program (FEORP) is a part of this plan. The Federal Women's Program, the Hispanic Employment Program and the Black Employment Program are Special Emphasis Programs which support the Affirmative Employment Program Plan process. These programs are administered at the Bureau and State Office levels by managers and/or coordinators on a full-time or collateral duty basis.

State Directors assure that employment practices and policies are understood by all employees, supervisors, and managers. When conflicts or misunderstandings occur, the Bureau's approach is one of timely, equitable resolution, problem-solving, and conciliation.



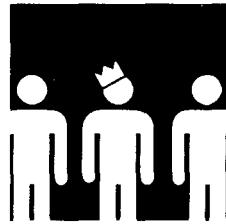
VETERAN PREFERENCE

Veterans receive preference in Federal employment when they are appointed, and when they compete for retention during reduction-in-force (RIF) procedures, but not in merit promotion, transfer, reassignment, detail or training actions. A veteran is a person who was separated with an honorable discharge or under honorable conditions from active duty who, while in the armed forces, performed:

- in a war, or in a campaign or expedition for which a campaign badge has been authorized, or
- served during the period April 28, 1952 to July 1, 1955, or
- served for more than 180 consecutive days during the period February 1, 1955 to October 14, 1976

There are 7 different types of veteran preference and each has a separate set of requirements. Under certain circumstances a spouse, mother, widow or widower may also qualify for veteran preference. Disabled veterans receive preference ahead of other veterans.

APPOINTMENTS



The objectives of the Civil Service Act, in effect since 1883, were to eliminate a "spoils system" and make sure that employment in the Federal service would be based on merit and fitness with equal opportunity to all. It is our objective to obtain from among available persons the one best qualified to perform the duties of a particular position.

A vacant position may be filled by the promotion, demotion or reassignment of a qualified Bureau or Department employee, the reinstatement of a qualified former Federal employee; the transfer of a qualified Federal employee from another Federal agency; or the appointment of a qualified applicant from a certificate of eligibles issued by the Office of Personnel Management.

Whether you are a new Federal employee or came to the Bureau from another Federal position, you are probably serving in one of the following types of appointments:

Career-Conditional—This kind of appointment is the first step by a new employee toward a career in the Federal service. If you have this kind of appointment, you were selected from a list of eligible applicants certified by the OPM or converted to career conditional from some other type appointment, such as cooperative education or veterans readjustment. The first year of your service is a probationary period and a continuation of the qualifying procedures. It is the final and most significant step of the selection process. During the probationary year, termination of your appointment may be effected without resorting to formal removal procedures if, for any justifiable reasons, your supervisors believe continuance of your employment would not be in the best interests of the Government. The two years following successful completion of the probationary period serve to determine further your desire and interest in, and acceptability for, a career in the Federal Government. As a career conditional employee, you are eligible for all employee fringe benefits from the first day of your appointment.

Career—After you have successfully completed three years of substantially continuous service as a career-conditional employee, your appointment is automatically converted to a career appointment. This offers you greater

retention rights in RIF and priority in placement if separated because of RIF. It also confers the right, should you resign, to return to Federal employment at the same or a lower grade level, without having to recompete with other citizens at large.

Temporary Limited—Temporary limited appointments are made for the specific period of time considered necessary to get a particular job done. This period normally does not exceed one year but may be extended in increments of one year for up to four years. Such appointments may be terminated at any time. Temporary employees are eligible for annual and sick leave, if the appointment is for 90 days or more, but not other fringe benefits.

Career Seasonal—These appointments are referred to as “when actually employed” (WAE). Individuals appointed to these positions have career or career-conditional status with full-time work schedules, but are placed in a non-work, non-pay status for a period of time during a portion of each calendar year. In BLM, these types of appointments normally last from 6 to 9 months. Employees with this type of appointment are eligible for all fringe benefits while in a pay status.

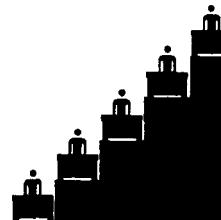
Excepted—These are appointments to positions which have been specifically excluded from the competitive service by statute or by the OPM. There are three designations for excepted positions called “Schedules.” Schedule A positions are those other than confidential or policy-determining for which it is impracticable to examine, i.e. attorney. Schedule B positions are those other than confidential or policy-determining for which it is not practicable to hold a competitive examination, i.e. secret service or drug agent. Schedule C positions are those of a confidential or policy-determining character, i.e. Special Assistant to the Director, BLM. All seasonal positions in the Bureau are excepted through a special authority under Schedule A. (Employees receiving Veterans Readjustment Act or Handicapped appointments are also excepted under Schedule A.) Some excepted employees are eligible for annual and sick leave, and health and life insurance but are subject to procedures for retention that are different from those for career employees. If you are on an excepted appointment your Servicing Personnel Office (SPO) can advise you on your eligibility for fringe benefits.

TAPER (Temporary Appointment Pending Establishment of Register)—This is a type of temporary appointment. It is made when there are insufficient eligibles on an OPM register appropriate for filling a vacancy in a continuing position and the position needs to be filled before eligibles can be certified by OPM. When an examination is announced to establish the applicable register, if the employee has not completed 3 years' service as a TAPER, the employee must compete successfully in the examination and be certified for career conditional appointment. If the employee fails to qualify

in the examination, he/she may not be able to remain in the position. Employees on TAPER appointments are eligible for annual and sick leave, health benefits and life insurance, but not retirement coverage.

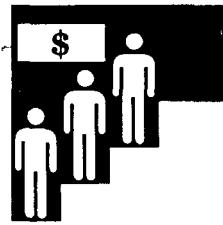
Part-time and Intermittent—Employees may be appointed on a part-time or intermittent basis under any of the types of appointments mentioned above. A part time employee is one who is scheduled to work between 16 and 32 hours per week under a pre-scheduled tour of duty. An intermittent employee is one on less than full time basis with no prescheduled tour of duty. Part-time employees are eligible for all fringe benefits but intermittent employees are not.

PROMOTION AND INTERNAL PLACEMENT



Placement and promotion actions in the Bureau are made on the basis of merit under the procedures of the BLM Merit Promotion and Internal Placement Plan. The plan makes it possible for the Bureau to better utilize and develop its employees for higher level positions. Position vacancy announcements are issued to inform you of opportunities to advance to higher graded positions and/or apply for reassignment at the same grade to positions offering more challenges or advancement opportunities. Some announcements provide opportunities for further noncompetitive promotions to higher grades with satisfactory performance and at least a year's experience at the grade level. These are called "career ladder" announcements. You are encouraged to apply for positions in which you are interested, and for which you think you possess the necessary knowledges, skills and abilities required for successful performance. As an employee you may be asked to serve on a promotion panel, an important part of the plan.

SALARY AND WAGE ADMINISTRATION



Your salary is determined by the kind of position that you hold. It may be set, (1) under the provisions of the Classification Act of 1949, as amended, (2) on the basis of rates which are paid to people doing similar work in the locality where you are employed, or (3) administratively. Positions in the Senior Executive Service are also in a separate pay system. Regardless of which system is used, the principle of equal pay for substantially equal work is observed. Most Bureau employees are covered under one of the following systems:

Classification Act—Almost all professional, technician, administrative, and clerical personnel are in positions which come under the Classification Act. These positions are assigned a title and occupational series and placed in one of the "General Schedule" (GS) grades, GS-1 through GS-15. They are graded (classified in the appropriate title, series and grade level) on the basis of the level and scope of duties and responsibilities, as well as the qualification requirements of the work to be performed. The Congress establishes the pay rates for each grade in Classification Act positions. Within each grade there are several pay levels known as within-grade steps. New salary charts are distributed when pay rates change, normally each January. You will receive a copy of your position description (PD) containing a clear and concise statement of the major duties, responsibilities, supervision received and exercised, and other important items about the position which determine your classification. If you do not have a copy of your PD, contact your personnel office or administrative office.

Wage Grade—Employees working in the trades, crafts, or laboring occupations come under the Federal Wage System. This system provides common policies, systems, practices, and job grading standards for uniform application by all Federal installations. Wage positions normally have a WG, WL, or WS designation. Rates of pay are based upon prevailing wage rates paid by private industry for comparable work in the local area. There are separate grade structures for nonsupervisory (15 grades), leader (15 grades) and supervisory (19 grades) positions. There are five pay levels for each grade.

Senior Executive Service—The Senior Executive Service (SES) was created by the Civil Service Reform Act of 1978. The SES is a personnel

system with a pay, benefits and awards structure that is separate from the general schedule. It encompasses the majority of Federal executive management positions, the duties and responsibilities of which exceed in difficulty the GS-15 grade level. There are two types of SES positions. Those designated SES Career Reserved are required to be filled by career appointment because of the nature of the responsibilities of the position. Those designated SES General may be filled by career, temporary or noncareer appointment.

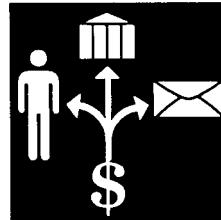
SES salary and status are personal to the employee rather than dependent upon the position occupied. When an SES employee moves from one SES job to another the salary rate does not change. Members of the SES may be paid at any of its 6 pay levels (designated ES levels), depending upon their position, qualifications, and performance. Members are also eligible for lump sum bonuses which can be as much as 20% of their salary and "Meritorious Executive" or "Distinguished Executive" awards which include \$10,000 or \$20,000 lump sum cash payments.

Performance Management Recognition System (PMRS)—A major aspect of the Civil Service Reform Act of 1978 was the establishment of the concept of pay for performance, commonly known as "Merit Pay." A subsequent Act, P.L. 98-615, further evolved this program into the Performance Management and Recognition System (PMRS).

The PMRS applies to supervisors and management officials who are in positions equivalent to grades GS-13 through GS-15 and meet the criteria for inclusion under applicable regulations. If your position is designated as covered under PMRS it is reflected with the letters, "GM" instead of "GS", on the employee copy of your Standardized Form 50 (SF-50), Notification of Personnel Action, and position description. The objective of the program embodies the concept of pay for performance and is based on the employee's contribution to the employing organization. There are two criteria for coverage under PMRS. You are covered if you are in a position of a supervisory or managerial nature. You are also covered if you are in a non-supervisory position the responsibilities of which require or authorize you to formulate, determine, or influence the policies of the agency.

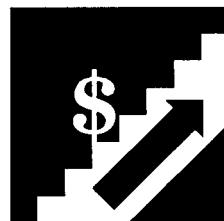
An initial appointment to a PMRS covered position from outside the Federal service normally results in a salary equivalent to the first step of the corresponding grade in the General Schedule. A conversion to a covered position from a General Schedule position of the same grade typically results in the employee initially receiving the same salary as was being received previously.

WHEN AND HOW YOU ARE PAID



You are paid every two weeks. The official pay date for the Bureau of Land Management is the second Thursday following the end of the pay period. Your pay check may be mailed to your home or other designated address or may be direct deposited by wire transfer directly to your account in a financial institution. Use of direct deposit eliminates the possibility of lost or stolen checks and gives greater assurance of timely receipt of pay. The same level of assurance cannot be provided when checks are mailed. If you wish to utilize direct deposit, you must obtain forms from your Servicing Personnel Office (SPO) and contact your financial organization. If a check is not received or a direct deposit not credited, you should notify your supervisor and SPO immediately.

SALARY INCREASES



General Schedule Employees —You are eligible for periodic salary increases if you are paid on a per annum (yearly) basis with a regularly scheduled tour of duty, and have not reached the maximum rate of compensation for your grade. Salary step increases, however, are not automatic. You must perform your job at an acceptable level of competence, which means that the quality and quantity of your work must merit an increase in pay. If you meet these requirements, you receive salary step increases at the intervals shown below:

Step You are in Now	Waiting Period for Advancement to Next Step
1, 2 or 3	52 Calendar Weeks
4, 5 or 6	104 Calendar Weeks
7, 8 or 9	156 Calendar Weeks

Your supervisor must determine by the end of the waiting period whether you have been performing at an acceptable level of competence and this will determine whether you will receive a salary step increase. If the increase is denied your supervisor must notify you in writing. If there is a negative determination, you may request reconsideration. There are appeal procedures which you may pursue if the negative determination is sustained after reconsideration.

Wage Employees—If you are in a position covered by the Federal Wage System, you are entitled to receive step increases if you perform creditable and satisfactory service and have not reached the maximum rate of compensation for your grade. Supervisors, leaders, or non-supervisors working full-time with a prearranged regularly scheduled tour of duty, receive step increases at the completion of the intervals shown below:

Step You are in Now	Waiting Period for Advancement to Next Step
1	26 Calendar Weeks
2	78 Calendar Weeks
3 or 4	104 Calendar Weeks

Performance Management and Recognition System (PMRS)—Employees, supervisors and management officials in grades GM-13 through GM-15 do not receive within-grade increases as such. Instead, their increases are given in proportion to the contribution of the individual to the employing organization, that is, pay for performance. If you are a PMRS employee, you will receive a pay adjustment the first pay period after October 1 of each year. You will receive the annual pay comparability increase given all employees, a merit increase based on performance and are eligible for lump sum cash awards based on the level of your performance. The system establishes the following annual increase requirements:

Rating Level	General Increase (Comparability)	Merit Increase (Equals a Periodic Step Increase)	Performance Awards (Lump Sum)
Outstanding (Level 5)	Full Amount	Full Step Increase	Must be given: 2% to 10% of basic pay
Exceeds Fully Successful (Level 4)	Full Amount	If Pay Range is: (1) Lower 1/3 (below Step 4) then: Full step Increase (2) Upper 2/3 (Step 4 or above) then: One-half Step increase	May be awarded up to 10% of basic pay
Full Successful (Level 3)	Full Amount	If Pay range is: (1) Lower 1/3 then: Full Step increase (2) Upper 2/3 then: One-third Step increase	Can be awarded up to 10% of basic pay
Minimally Satisfactory (Level 2)	1/2 of comparability	No increase	None
Unsatisfactory (Level 1)	No increase	No increase	None

All basic salary increases are limited by the maximum rate of pay (step 10) for each grade. Performance awards may be granted at any time during the fiscal year (but the Department/Bureau can set specific dates). An agency head may grant an award of up to 20% of base pay for unusually outstanding performance to employees having a summary performance rating of outstanding (Level 5). Other types of awards are discussed under "Awards."

LEAVE AND EARNINGS STATEMENT



Following each 2 week pay period you will receive a leave and earnings statement. It will show your gross pay for the period, the amount of each deduction from your pay, your net or "take-home" pay, and the amount of annual and sick leave taken and available.

Deductions shown on the statement will include Federal taxes; state and local taxes if applicable; health benefits, life insurance, and retirement costs; charity, U.S. Savings Bond and thrift plan contributions; labor union dues; and allotment to financial institutions.

FEDERAL AND STATE TAXES



Federal withholding tax is deducted from your gross pay and credited to your tax account. The amount of tax withheld depends upon your gross earnings, and the number of withholding allowances you claim on your Form W-4, Employee's Withholding Exemption Certificate. If your marital status or the number of withholding allowances you claim changes, you may wish to submit a revised Form W-4 to your SPO. If the number of withholding allowances to which you are entitled decreases, you must complete a new Form W-4 within 10 days. At the end of the calendar year you will be given a statement, Form W-2, showing the amount paid to you by the Bureau during the year and the amount of taxes withheld. If you are a resident of the District of Columbia or of a state requiring state and local income tax withholdings, this deduction is also made from your gross pay and is shown on the Form W-2.

RETIREMENT



The Federal Government currently administers two separate retirement systems for employees. The Civil Service Retirement System (CSRS) was authorized by the Civil Service Retirement Act of 1920 as amended. It automatically covers all employees who have a career or career-conditional appointment, or a full-time excepted appointment, or an appointment without a specific time limit, who began their employment prior to January 1, 1984. Deductions from your pay for retirement benefits depend upon the system under which you are covered.

The Federal Employees Retirement System (FERS) was created by the Federal Employees Retirement System Act of 1986. Effective January 1, 1987, it automatically covers all permanent employees hired after December 31, 1983; employees who previously worked for the Federal Government, but left before completing five years of service, and have now returned; and permanent employees hired before January 1, 1984 who elected to switch from CSRS to FERS during the July 1 through December 31, 1987 open season. The provisions of these systems are discussed below.

FERS—The FERS is composed of three parts, Social Security, a pension plan, and a thrift (savings) plan. It is based on your age, service, salary and savings. If you are covered by this system you will pay into Social Security and the pension plan a total of 7% of your pay. The Bureau will match the contribution to Social Security, and pay a greater amount to the pension plan. The Social Security deductions will stabilize at 6.2% in 1989. The pension plan deductions in 1989 and thereafter will be 0.8%. Both Social Security and the pension plan provide optional retirement, disability and survivor benefits, but the benefits are different, and each plan has different requirements for eligibility (see chart on page 18).

The Bureau will also automatically place an amount equal to 1% of your salary into a thrift (savings) account in your name. You can also place up to 10% of your salary into the same account, which will be matched by the government as follows:

Your Contribution	Bureau Contribution
First 3% of pay	\$1 for \$1
Next 2% of pay	\$0.50 for \$1
Next 5% of pay	0

This money will be initially invested in a special government securities account, but later may be shifted at your option into a fixed income fund of private sector securities, a stock index fund, or left in the government securities fund. All contributions to the thrift fund are tax deferred. Upon retirement, the funds will be available to you to use in a variety of ways. Also, you may borrow from your contribution to your thrift account for medical expenses, education, purchase of a primary residence, or financial hardship.

If you leave Federal service, you may essentially take your FERS program with you. Your coverage under Social Security is valid regardless of where you work. The funds in your thrift account can be converted into an IRA or placed in an approved pension plan. Your contributions to the pension plan can be left for a deferred annuity at age 62, or withdrawn when you leave the Federal service. (However, if you withdraw them, they cannot be replaced even if you return to Federal service.) At the time you leave the Federal service, your SPO will inform you of your options.

Law enforcement officers, and firefighters have a somewhat different program. If you are in one of these career fields, you should contact your SPO office for specific information.

CSRS—The Civil Service Retirement System is an annuity plan that is based on your age, service, and salary. It also allows credit for unused sick leave on the basis of 22 days being equal to one month of service. It provides for optional, disability and discontinued service retirements (see chart on page 18). It is funded by a deduction from your pay of 7% of your base salary (7 1/2% for law enforcement officers and firefighters) plus a matching contribution by the Government. You may increase the amount of your annuity by making voluntary contributions to the retirement fund. Your personnel office can provide you information on this subject. Under CSRS you may elect a full annuity for yourself only, or a reduced annuity with survivor benefits for a spouse, or a person you designate as having an insurable interest. Under alternative annuity regulations you may elect a reduced annuity and receive in addition, a lump sum of your contributions to the retirement fund. The CSRS requires a minimum of 5 years creditable civilian service for you to

qualify for an annuity. However, after 18 months service, survivor annuities may be payable upon your death to your widow, widower, and/or children, or a person you designate as having an insurable interest. If no one survives you who is eligible for a survivor annuity, a lump sum refund of your contributions to the retirement plan is refunded to your estate, beneficiaries you may have named, or your nearest relative. If you leave Federal service and are not eligible for an immediate annuity, you can obtain a refund of your contribution or, if you have 5 years Federal civilian service, leave your contributions in the plan and qualify for a deferred annuity when you reach age 62. If you elect to receive a refund of your contributions and later return to Federal employment, you will not receive retirement credit for the periods covered by the refund unless you are reemployed under CSRS and the refunded amount, plus interest, is repaid. However, you must be reemployed within 1 year in order to be covered again by the CSRS system.

Your SPO can prepare a CSRS annuity estimate for you. The amount of annuity payable depends primarily on your length of service and the average of your three highest consecutive years of basic pay, called "high three". However, your age, whether you make deposits for military service and other service when no deductions were withheld, and/or redeposits for refunds, and the type annuity you select will also affect your rate. You can estimate your CSRS annuity by using the following guide.

20 years service equals a CSRS annuity of approximately 36% of high 3 average salary

25 years service equals a CSRS annuity of approximately 46% of high 3 average salary

30 years service equals a CSRS annuity of approximately 56% of high 3 average salary

35 years service equals a CSRS annuity of approximately 66% of high 3 average salary

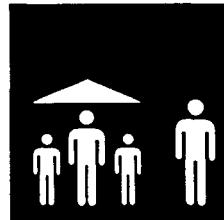
40 years service equals a CSRS annuity of approximately 76% of high 3 average salary

41 years and 11 months equals a CSRS annuity of 80% (which is all you are allowed, except for any creditable unused sick leave).

Age and Service Requirements for CSRS and FERS Requirement

System CSRS	System FERS	Type Retirement	Minimum Age	Minimum Service	Special Requirements
X	X	Optional	62	5 Yrs	None
X	X	Optional	60	20 Yrs	None
	X	Optional	55	30 Yrs	None
	X	Optional	55-57	30 Yrs	Minimum retirement age depends on date of birth
	X	Optional	55-57	10 Yrs	
X	X	Optional	50	20 Yrs	20 Yrs or more as law enforcement officer or firefighter
X	X	Voluntary Early	any age*	25 Yrs	OPM must authorize based on RIF, reorganization or transfer of functions
X	X		50*	20 Yrs	
X	X	Discontinued Service	any age*	25 Yrs	Involuntary separation not for misconduct or delinquency or removal for unsatisfactory job performance
X	X		50*	20 Yrs	
X		Disability	any age	5 Yrs	Injury or permanent disability for any position of same grade and pay in the commuting area
	X		any age	18 Month	

* Annuity is reduced by 1/6 percent for each full month (2 percent a year) the employee is under age 55, except in disability, firefighter and law enforcement retirement cases.



LIFE INSURANCE

If you are eligible for, and did not waive (decline), Basic Federal Employees Group Life Insurance coverage, two-thirds of the cost of the coverage to which you are entitled is deducted from your paycheck. The other one-third is contributed by the Government.

Basic Life Insurance —The amount of your basic life insurance coverage is dependent upon your age and annual salary. For employees *45 years of age and older*, the amount of insurance coverage is \$2,000 more than the nearest \$1,000 above the annual salary, with a minimum of \$10,000 coverage. Examples: If your salary is \$10,235, your insurance coverage is \$13,000. Your cost of this insurance is 18 1/2 cents per \$1,000 coverage each pay period.

For an employee *under the age of 45*, the same procedure is used to compute coverage and cost. However, additional coverage is granted, at no cost, by the application of a multiplication factor. Example: If you are 40 years old, with annual salary of \$36,500, your coverage is: $\$39,000 \times 1.5 = \$58,500$. Your bi-weekly deduction is $39 \times .185 = \$8.22$.

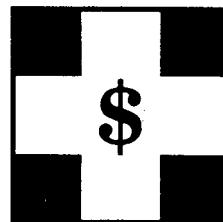
Optional Life Insurance —Various optional life insurance coverages over and above the basic life insurance coverage are available to you and should be considered at the time you enroll for basic life insurance. If you waive basic life insurance coverage, or decline any of the options, opportunities for changing your life insurance election are limited, and are described in Standard Form (SF)-2817A, the Federal Employees' Group Life Insurance brochure, which will be given to you with a Life Coverage Election Form, SF-2817. You must enroll for basic life coverage to be eligible for any of the optional coverages. The cost of basic life is the same for all employees. The cost of each of the three options available depends on your age. Option A covers you for an additional \$10,000. Option B - Additional, covers you for an amount equal to one, two, three, four or five times your basic pay, rounded to the next thousand. Option C Family, covers your spouse for \$5,000 and each dependent child for \$2,500.

The basic life coverage and Option A, provide for double indemnity payment for accidental death, and payment for dismemberment for loss of eye(s) or

limb(s). However, the accidental death and dismemberment features do not apply after retirement.

Your basic life insurance coverage continues, at no cost to you, if you are receiving compensation benefits because you are unable to work due to work-related disease or injury, and if you retire with an immediate annuity. You may continue the optional life insurance coverages as well, but the cost of these will be deducted from your compensation or annuity payments.

To be eligible to continue basic life or any of the options while drawing compensation benefits or going into retirement, you must be continuously covered for the five year period immediately preceding these events, or your earliest opportunity. The five-year or earliest opportunity requirement applies to basic life and each of the options separately. If you wish, you may elect to convert your basic life insurance coverage or coverages to a private policy. Basic life and the options begin reducing in value at age 65, or after you retire, which ever is later. At retirement you may elect a lesser reduction of your basic life coverage but you must pay for this option. These features of the life insurance program are described in detail in SF-2817A. If you are evaluating your life insurance portfolio or contemplating retirement, contact your personnel office for assistance.



HEALTH BENEFITS

The Federal Employees Health Benefits program offers you, as an employee, an opportunity to join certain group health benefits plans with better rates and better protection than may be available to you on an individual basis. If you are eligible and apply for health insurance, the Government currently pays 60% of the average high option cost of six representative plans, but only up to 75% of the total cost of enrollment. The amount you pay depends on the price of the particular plan you join. Through payroll deductions you pay the difference between the amount the Government contributes and the amount your plan costs.

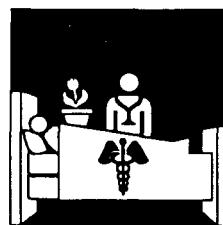
You have 31 days from the date of your appointment to enroll. Otherwise, you may enroll during "open season", an enrollment period announced by

OPM, generally at the end of each year. The amount of medical costs that the program will pay depends on the plan you choose. Most plans cover some but not all, of the costs of hospitalization, and of surgical and maternity care. The kinds of expenses covered, and how well they are covered, vary. Brochures on various plans and options are available in your personnel or administrative office.

Employees on part-time tours of duty must pay their premium, plus a prorated share, depending on the number of hours per pay period worked, of the Government's portion of the premium. Health benefits coverage continues for up to one year in leave without pay status, but the employee is responsible for the premiums. The payment for coverage may be made to the payroll office while you are in LWOP status, or may be paid by installment deductions from your paycheck following return to duty. You may cancel your enrollment or change from "self and family" to "self only" at any time. Re-enrollment or changes in plans or options are generally restricted to the open season periods.

A change in marital status, family status, or a move from the geographical area of a comprehensive (local) health benefit plan, etc., may allow you to make a change outside of the open season period. You should contact your personnel office for guidance in such cases. If you leave Federal employment, are in a non-pay status for more than 12 months, or retire and are not eligible to continue health benefit coverage, you will have 31 days to consider converting your coverage to an individual policy. Conversion is restricted to the plan by which you were covered as a Federal employee, and you must pay the full premium amount. Generally, the premiums are higher, benefits are less, but there is no waiting period for pre-existing conditions.

MEDICARE COVERAGE



A deduction of 1.45 percent of your gross salary, up to the current social security wage base amount, is made to enable you to be eligible for Medicare. The specifics on eligibility, ages and coverage can be learned by contacting your nearest Social Security Office.



SAVINGS BONDS

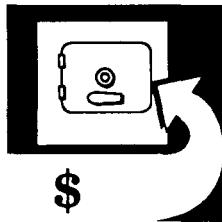
If you choose to purchase United States Savings Bonds through payroll deductions, the amount deducted depends upon the size and number you wish to purchase in a given period of time. The amount of your bond deduction can be changed or cancelled when the current bond is paid in full.

LABOR ORGANIZATION DUES



If you are a member of a recognized labor organization which holds exclusive recognition for the unit in which you work, and you are not excluded from the unit under the terms of the recognition, you may voluntarily arrange to have dues withheld from your salary and sent directly to the labor organization. Once an employee has authorized direct withholding, it must remain in effect for at least one year. In addition, withholding can only be stopped after an anniversary date of its initiation. The withholding of dues is not made for an employee whose net salary, after other legal and required deductions, is not sufficient to cover the allotment for dues. This could possibly occur when an employee has had a period of time in a non-pay status (leave without pay, absence without leave, suspension, or furlough). The employee is responsible for making the payment.

SAVINGS ALLOTMENTS



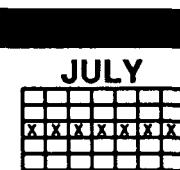
In addition to having your net pay deposited directly into a financial organization, you may have up to two allotments of pay remitted to other financial organizations. However if two allotments are made they cannot be made to the same institution. Organizations to which they may be made include any commercial bank, savings bank, savings and loan association, and Federal or State chartered credit unions.

CHARITABLE ORGANIZATIONS



You may make regular contributions to charitable organizations through a payroll deduction. The Combined Federal Campaign is conducted annually to permit you to select an approved charity to which you wish to make a voluntary contribution. You may also contribute to these charities by making a lump sum payment.

LEAVE



There are two kinds of leave for an approved absence from work, with pay and without pay. There are several types of leave with pay, but the two most

commonly taken are annual leave for vacation and necessary personal business, and sick leave to cover illness or visits to your doctor, dentist, or ophthalmologist. All time is charged in 15 minute increments.

As an employee of the Bureau you are subject to the standard Government leave regulations unless you are: (a) on a temporary appointment engaged in construction work at hourly rates; (b) appointed without compensation; (c) paid on a "fee" basis; (d) on an intermittent appointment and a regular tour of duty of one or more days during each administrative workweek has not been established; or (e) on a temporary appointment for less than 90 days.

Annual Leave—The leave system increases annual leave benefits as length of service increases. Full-time employees earn annual leave as follows:

Amount of Service	Earned Leave Per Year
Less than 3 years	13 Days (4 hours biweekly)
3 to 15 years	20 Days (6 hours biweekly)*
Over 15 years	26 Days (8 hours biweekly)

* plus 10 hours the last pay period of the calendar year.

Normally, part-time employees with 15 years or more service earn one hour of annual leave for each 10 hours in a pay status; those with three but less than 15 years or more service earn one hour of annual leave for each 10 hours in a pay status; those with three but less than 15 years earn one hour for each 13 hours in pay status; and those with less than three years earn one hour for each 20 hours.

You must secure the approval of your supervisor before taking annual leave, except in an emergency situation. This enables your supervisor to plan the work program with due consideration as to whether or not your absence would cause undue hardship in regard to the existing or unexpected work-load. The annual leave you earn is intended to provide for a vacation each year and for shorter periods of leave for personal reasons, such as shopping and leisure time activities.

Annual leave earned but not taken is accumulated to your credit and can be carried forward from one leave year to the next. However, the maximum amount of accumulated annual leave which you can carry over to your credit from one leave year to the next is 30 days (240 hours). Members of the SES are not subject to the 240 hours ceiling and may carry over all of their leave.

Employees appointed to positions not limited to 90 days or less earn annual leave and may begin using it after the first biweekly pay period. For

employees appointed for less than 90 days, annual leave is not credited for use unless the appointment is extended to 90 days or more. You may use the accrued leave immediately upon extension of your appointment. Any annual leave you may have earned under a previous appointment which has been credited to your account may also be used.

You may be granted annual leave before it is actually earned, provided the circumstances justify your request and you expect to return to duty. The advance cannot exceed the amount that you will accrue during the current leave year or term of your appointment. If you have no annual leave to your credit, or circumstances do not justify advancing leave, upon your request, leave without pay (LWOP) may be granted. Except in very limited circumstances, employees have no right to such leave.

On separation from Government you will be paid a lump sum for unused annual leave. This payment will include any regular carry-over balance from the previous leave year, plus any unused leave accrued during the current leave year, plus any unused, restored annual leave. If you transfer to another position under the same leave system, your leave balance transfers with you.

Sick Leave—Sick leave accrues to full-time employees on the basis of four hours each full biweekly period (13 days a year), irrespective of length of service. Part-time employees earn one hour of sick leave for each 20 hours in a pay status. The amount of sick leave earned is usually ample to cover most minor ailments during the year and also allows for gradual accumulation of leave for use in the event of a major illness. There is no maximum limitation on the amount of sick leave you may accumulate. You may be granted sick leave when you are unable to perform your duties due to sickness or injury; when you undergo medical, dental, or optical examination or treatment; or when the proper medical authority requires that you absent yourself from work because of a contagious disease in the family. A doctor's signature may be required on Standard Form 71, Application for Leave, at your supervisor's discretion. Sick leave cannot be used in lieu of annual leave; however, annual leave may be used in lieu of sick leave. Your unused sick leave may be used in computing your basic CSRS (but not FERS) annuity when you retire.

If you are seriously injured or ill, and your absence during such disability will surpass your current accumulations, you may be advanced sick leave for not more than 30 work days. If you are on a limited appointment, you may be advanced only the amount that will be earned during the remainder of your employment. Except in certain limited circumstances, you must repay any balance outstanding against your sick leave account.

Leave Without Pay—Leave without pay (LWOP) is an approved temporary non-pay status from regular duties granted at your request. It is the practice of the Bureau to grant LWOP only when it is of mutual benefit and interest to the Bureau and to the employee. It may be granted for such reasons as education, recovery from illness or disability not of a permanent nature, including pregnancy, and service with non-Federal public organizations. LWOP may not be granted for the purpose of private employment.

In all cases LWOP must be applied for and approved in advance. You do not accrue sick and annual leave during any period in which your LWOP for any pay period totals 80 hours. You do receive CSRS retirement credit for periods of up to six months of LWOP taken in any calendar year. Up to six months LWOP per calendar year is also creditable as service completed in computing your annual leave category. LWOP is also creditable in computing the waiting period for within grade increases, when it does not exceed, in the aggregate:

- Two weeks (80 hours) in the waiting period for rates 2, 3, and 4;
- Four weeks (160 hours) in the waiting period for rates 5, 6, and 7;
- Six weeks (240 hours) in the waiting period for rates 8, 9, and 10.

Absence Without Official Leave—Absence without official leave (AWOL) is charged when an employee is absent without advance authorization; fails to report for duty without prior approval of leave; does not give prompt or acceptable notification of absence; or does not have an acceptable excuse for absence. AWOL is a non-pay status and may be reason for disciplinary or adverse action.

Absence For Maternity Reasons—The granting of leave for maternity reasons may involve sick leave, annual leave, and leave without pay. You should make known your intent to request leave for maternity reasons, including the type of leave and approximate dates, as soon as practicable to allow your supervisor time to arrange any staffing adjustments that may be necessary during your absence. It may also be necessary, after consultation with your physician, to request modification of work duties or a temporary assignment to eliminate those working conditions that could have a harmful effect during pregnancy. If you plan to return to work following delivery and confinement, you are assured of continued employment in the position you left, or one of like seniority, status and pay. The only exceptions are those for termination unrelated to your absence for maternity reasons, such as expiration of your appointment, reduction in force, or separation for cause. If you plan not to return, you may remain on sick leave, unless terminated for reasons unrelated to the maternity absence, and resign at the end of the period of incapacitation. However, leave without pay may not be granted unless you plan to return to work.

Absence for Paternity Reasons—A male employee may request annual leave or leave without pay to assist in caring for his minor children, or the mother of his newborn child while she is incapacitated for maternity reasons. Annual leave and leave without pay are also appropriate for an adoptive parent to care for a child.

Military Leave—Up to 15 calendar days military leave may be granted during any calendar year to full-time and part-time (16-32 hour tour per week) career, career-conditional, TAPER, term, and indefinite employees who are members of the National Guard, or reserve components of the Armed Forces, when ordered to training duty. Employees who are members of Reserve Officer's Training Corps are not eligible for military leave for summer training. Such employees are put on annual leave or leave without pay during their training. You should make application for military leave well in advance of the training period of your reserve organization. Unused military leave, not to exceed 15 days, may be carried over to the following year. If you are called to duty for the purpose of providing military aid to enforce the law, you are entitled to military leave in addition to the leave granted for training duty. You should check with your personnel office regarding the number of days to which you may be entitled.

Military Service—If you are other than a temporary employee and enter the Armed Forces of the United States, voluntarily or involuntarily, you will be granted a military furlough. When you return from military duty with a discharge under honorable conditions, you will be restored to the same position you left or one that is at least comparable. If you are a permanent employee, while you are absent on military duty you are given the same consideration for promotion as other employees. When you return to the Bureau, your salary will be set to include any promotions and within-grade increases that you would have received had you remained in your job. If you enter military service while you are serving your probation, the time spent in service will be counted toward completion of your probationary period.

Court Leave—If you have a permanent or temporary appointment with a prescheduled tour of duty and you are called to court as a witness or a juror for the federal, state, or local government, you will be eligible for court leave which is leave with pay, but not charged to annual or sick leave, unless you were on leave without pay at the time you were called. However, if you are acting as a witness in your official capacity, you are considered to be on official duty and will receive your regular compensation. If you are called as a witness on behalf of a private party, but not in an official capacity, you will be granted court leave only when a party to the case is the U.S., D.C., or State or local government; otherwise, you will have to take annual leave or leave without pay.

If you are a part-time employee, you are entitled to court leave only for those hours during which you would have been in duty status. An intermittent employee is not entitled to court leave. You should notify your supervisor immediately, if you are summoned. As a usual practice, the Bureau does not ask to have personnel excused from jury duty.

Pay received for services as a juror or as a witness while on court leave may not be retained by you as an employee; however pay for certain expenses incurred, e.g., mileage, may be. You must check with your personnel or administrative office as to whether you should collect the fees and what disposition should be made of them, if collected.

Excused Absence—Brief periods of excused absence may be authorized without loss of pay and without charge to leave. Examples for such excused absence include blood donations, physical examinations (when the examination is related to BLM employment or for induction into the Armed Forces), participation in military funerals (as a pallbearer or guard of honor) in ceremonies for members of the Armed Forces whose remains are returned from abroad or to attend the funeral of a relative killed in line of duty in a combat zone, and registration and voting. Brief periods of less than one hour and tardiness, on very infrequent occasions, may be excused if the supervisor finds the reasons acceptable.

Any employee on annual or sick leave when excused absence is authorized for all employees may not have his annual or sick leave charged to excused absence. Supervisors have the responsibility of maintaining an appropriate work force when excused absence is authorized. Employees granted excused absence are compensated at their regular rate of pay.

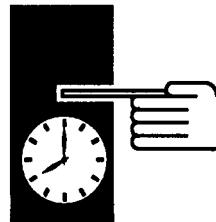


TRAVEL

Travel—There may be times when you will be required to travel to perform your duties, or for a temporary or permanent change of duty station. All official travel must be authorized in advance. You will be reimbursed for all usual and customary transportation, meals and lodging costs based on established scales and the cost of living in the area(s) in or through which you

are required to travel. If you are required to travel more than twice a year, you may request a Diners Club Charge Card. The charge card will cover major travel costs such as lodging, air or ground transportation and meals.

If you are required to travel because of a permanent change in your duty station, you will be reimbursed for travel costs, and the cost of moving your household goods. You may also be entitled to reimbursement of real estate expenses if you must sell your home.

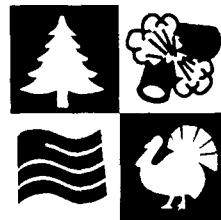


HOURS OF WORK

Hours of Work —The basic workweek in BLM is 40 hours, five eight hour days, Monday through Friday with a lunch period of at least 30 minutes but no more than one hour. The official starting time for each work day is normally between 7:30 and 8:00 AM, depending upon the work station. If you are a full time employee you should expect to start each day between these hours unless management determines that alternate work schedules can be adopted in your organization. Hours of work will be adjusted for part-time, intermittent, seasonal, student, and/or handicapped employees. The Federal Employees Flexible and Compressed Work Schedule Act of 1982 permits management to offer alternate work schedules. You may request your supervisor's approval of an alternate work schedule of eight hours each day, which requires being at work between 8:30 AM to 3:30 PM with each day starting as early as 6:30 AM or ending as late as 5:30 PM, and with a lunch period between 11:30 AM and 1:00 PM of at least 30 minutes but no more than one hour.

If you are a member of a field crew, such as a survey crew, and a majority of workers on the crew desire a compressed work schedule, the crew can request your supervisor's approval of a compressed work schedule of four 10-hour days per week with one day off each week; or eight 9-hour days plus one 8-hour day per two weeks with one day off each two weeks.

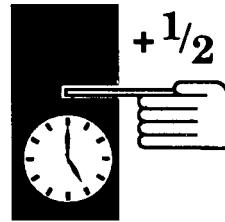
HOLIDAYS



Holidays for Government employees are:

New Year's Day	January 1
Inauguration Day	January 20 every 4 years (Washington, D.C. Area only)
Martin Luther King's Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

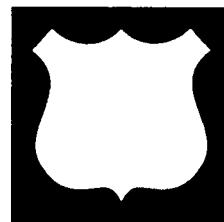
Any other day may be designated as a holiday by order of the President or Congress. If you work the basic Monday through Friday workweek and a legal holiday falls on Sunday, you are granted the following Monday as a holiday; if the holiday falls on a Saturday, you are granted the preceding Friday as a holiday. Employees assigned to other work weeks should consult their supervisor regarding holiday schedules.



OVERTIME

Overtime—There may occasions when you will be requested or required to work overtime. Overtime is generally work beyond 8 hours a day or 40 hours a week. If you work overtime you will be given compensatory time off or overtime pay for the extra hours worked at the rate of one and one-halftimes your basic rate of pay. Your grade and position, and management's needs, determine whether you receive compensatory time off or pay for the extra hours worked.

The payment of overtime is governed by the Fair Labor Standards Act and Title 5 of the United States Code. If you are a General Schedule (GS) employee and your basic rate of pay exceeds GS-10 step 1, your overtime pay will be computed based on that grade and step.



SAFETY

Management is responsible for providing safe working conditions and equipment, and establishing safe working procedures. You, as an employee, are responsible for following safe practices and encouraging your co-workers to do likewise. The safety of each employee is our primary concern. Employees who are indifferent to safety precautions and safe practices are a hazard to themselves and others. In addition, they endanger equipment

and facilities, waste money, and generally hinder work progress. You are encouraged to offer suggestions for safer and healthier working conditions and for the protection of property and equipment.

Safety officers and committees are appointed to help promote safe working conditions and to eliminate or reduce job hazards. Cooperate with them. Your supervisor is also vitally concerned with your safety. If you observe situations which you consider unsafe, either correct them yourself or bring them to the attention of your supervisor or safety committee. Don't wait until an accident occurs.



INJURY BENEFITS

Employees who are injured in the performance of their duties are covered by Worker's Compensation Benefits. If you are injured on the job you are entitled to immediate first aid and full medical care, including hospitalization, without cost. Additionally, salary compensation and other benefits are provided in the event of disability or death. These benefits apply to all work injuries or diseases that result from employment, except those caused by willful misconduct. In the event of your death resulting from your employment, survivor benefits are payable to your spouse, dependent children and/or dependent parents.

If you are injured on duty, report it, or see that it is reported, immediately to your supervisor. The appropriate Worker's Compensation forms should be completed within 2 work days of the injuries even if no incapacity is suffered. All injuries, even the most minor, should be reported and documented in case medical care is needed later. Failure to notify your supervisor or to fill out the forms may mean that you will not be able to claim benefits at a later date.

ORIENTATION TRAINING AND EMPLOYEE DEVELOPMENT



Orientation—When you first enter the Bureau, you are given an orientation. Orientation is a joint effort of your supervisor and your local personnel or administrative office. Orientation helps you understand your job and how your office contributes to the mission and goals of the Bureau and the Department of the Interior as well as to assist you in understanding how your office interfaces with others. Also, orientation helps you become familiar with your rights and responsibilities as a Federal Government employee and the types of personnel services provided by the Bureau.

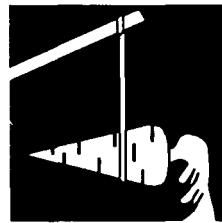
As part of the overall process of introduction to the job and the Bureau, your supervisor will explain the duties and responsibilities of your job and the standards of performance as reflected on the Performance Improvement and Position Review (PIPR) Form. Your supervisor will teach you how to do your job and assist in every possible way. Training, therefore, begins on the job the day you start your new job. Periodically, throughout the year, your supervisor will discuss job performance and explore with you how it can be enhanced. Training in job related skills and knowledge can enhance performance. As training needs dictate and budget funding is available, employees have the opportunity to participate in structured classroom training. Coaching by supervisors is also helpful. Self-instruction courses and small group training maybe available through a local Learning Center. Correspondence and computer-assisted training is also available. Courses within the Bureau, the Department, and other agencies as well as schools, colleges or universities are provided through your District and State Office.

Your opportunities for advancement will improve as you perform your duties more effectively and demonstrate potential for performing more responsible work. Discuss your career goals with your supervisor, who will advise you about career opportunities in the Bureau. Consider details to other jobs and work group assignments. Don't overlook building your skills and knowledge by participating in growth activities outside your job. For instance, leadership skills can be developed by serving on local charitable organization committees. The Bureau sponsors formal developmental opportunities at the Bureau and State level. Contact your local personnel or administrative office for details.

Career Development—Responding to the need for the Bureau to adapt to changes in its mission and to develop and use the different skills in the workforce, the Bureau has a formal career development program. The first part New Employee Orientation, is described above. The second part is called Employee Excellence Seminar. It emphasizes employee awareness of self, career planning, and Bureau programs and missions. Another part is the BLM Careerist which is directed toward career employees at or near their full performance level. This part provides opportunities for employees to assess their career needs and pursue their career goals. The fourth part, Management and Leadership Workshop, has as its target group employees GS-9 through GS-12 who are interested in supervisory/managerial training. Selections are based on competitive procedures through the issuance of a training announcement. The fifth part is the Advanced Leadership Workshop. It is directed toward employees at GS-13, 14, and 15 levels. This workshop emphasizes managerial effectiveness and preparation for leadership positions at District Manager, Deputy State Director levels and above.

In addition to the training resources provided by the Bureau, employees should cultivate and develop self-development skills to enhance their growth and make maximum use of opportunities. The Bureau encourages employees to participate in developmental activities to increase their effectiveness.

PERFORMANCE MANAGEMENT SYSTEM



You have a job to do and how well you do that job will contribute to the success or failure of BLM in fulfilling its mission. It may also be a crucial factor in the development of your career. More than likely, your job performance will have a significant impact on your personal life—your family, your friends, and your own self-image.

Something which impacts so significantly on the goals of the organization and your personal life demands very close attention. It calls for answers to two important questions: (1) What is your job; and, (2) How can you tell when your performance results in a satisfactory job? The answers to these

questions must be clearly understood and agreed to by at least two individuals—you and your supervisor. BLM's Performance Management System is designed to help answer these questions. It emphasizes continuous analysis, evaluation, and improvement of performance.

The appraisal process starts at the beginning of the Fiscal Year (October 1st) or within 30 days of your first day of work in your new job. You and your supervisor discuss the specific job elements that comprise your position. These elements are categorized as "Critical" and "Noncritical". A "Critical" element is one of such importance that performance below minimum standards means that overall performance is not acceptable, and requires remedial action, i.e. reassignment, demotion or removal. A "Noncritical" element is important, but less significant than a critical element. Specific standards and objectives of acceptable performance are also established and described for the element. These elements and standards are then documented on an established form.

Elements may be changed or supplemented during the year as necessary by you or your supervisor, after conferring with each other. During the rating period (which coincides with the fiscal year - October 1 through September 30), you and your supervisor will have periodic follow-up discussions about your performance. In this way, problems and opportunities that may arise are addressed in a timely manner. If it looks as though you will not be able to meet an objective, or an adjustment in it is necessary, it is your responsibility to notify your supervisor of the situation.

At the end of the year, your actual performance is analyzed and evaluated, and you will receive one of the following summary ratings:

OUTSTANDING PERFORMANCE (Level 5)	"Exceeds Fully Successful" for all elements and overall performance is of rare, very high quality, producing an exceptional quantity of work significantly ahead of established schedules or deadlines and with very little supervision.
EXCEEDS FULLY SUCCESSFUL PERFORMANCE (Level 4)	"Exceeds Fully Successful" for most (but not all) critical elements and no lower than "Fully Successful" for all noncritical elements and overall performance is of unusually good or excellent quality producing a very high quantity of work ahead of

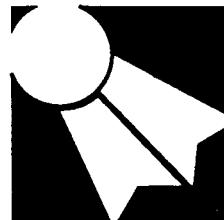
FULLY SUCCESSFUL PERFORMANCE (Level 3)	“Fully Successful” for all critical elements and noncritical elements and performance is of good quality, producing the expected quantity of work and meets deadlines or schedules for completion of work.
MINIMALLY SUCCESSFUL PERFORMANCE (Level 2)	“Fully Successful” for all critical and “Less Than Fully Successful” for one or more noncritical elements. The performance needs improvement to meet the “Fully Successful” level.
UNACCEPTABLE PERFORMANCE (Level 1)	“Less Than Fully Successful” for at least one critical element. When performance is “Unacceptable,” corrective action must be taken consistent with required procedures.

When you receive your rating, you and your supervisor will also discuss your performance and ways to improve it. This discussion will probably lead to a discussion of critical and noncritical elements for your position for the coming fiscal year.

Employees are entitled to a review of their disputes regarding any aspects of the performance appraisal procedure, except the substance of job elements and performance standards. This review must be requested within ten (10) working days after receipt of the summary rating. Your supervisor or SPO can provide you with procedural details if you wish to pursue such a course of action. The performance management system is aimed at increasing communication between supervisors and employees by linking performance evaluation and job objectives together and moving away from systems which evaluate personalities. Most of all, it is designed to help you and your work unit improve performance.

If an employee's performance fails to meet the requirements of one or more critical elements of his/her position, he/she is given a written warning and a reasonable period of time in which to demonstrate acceptable performance. If the employee fails to bring performance up to a satisfactory level within the warning period, or if the performance, after improving, slips back to the unacceptable level, the supervisor forwards the rating to the reviewing

official for concurrence and recommends reassignment, demotion, or removal, as may be appropriate.



AWARDS

The Incentive Awards Program of the Federal Government was established to improve Government operations and to recognize employees through the medium of incentive awards. The program recognizes and rewards you individually or in a group for your suggestions, inventions, superior accomplishments, or other personal efforts which contribute to efficiency, economy, or other improvements in Government operations. There are several types of awards for which you might be eligible and cash awards can range from \$50 - \$25,000. Supervisors are aware of these awards and eligibility criteria. Some of the various awards available to you are as follows:

MONETARY AWARDS

Sustained Superior Performance Award—You may be recommended by your supervisor for this award when your job performance exceeds normal requirements (would be rated Outstanding or Exceeding Fully Successful) for a period of at least 6 months. The amount of this one-time cash award is based on a percentage of your basic rate of your pay.

Special Act or Service Award—You may be recommended by your supervisor for a Special Act or Service Award if your performance exceeds expectations or you have made a significant achievement on a special assignment or as part of your job function. This is a one-time cash award which is based on the benefits of your contribution to the agency.

Quality Step Increase—You may be recommended by your supervisor for a Quality Step Increase (QSI) if your performance is rated outstanding and

gives promise of continuing at that level or higher. A QSI is a change in pay rate rather than a lump sum cash award and is in addition to the regular periodic within-grade pay increase which you receive.

Suggestions — You are encouraged to suggest improvements in methods, procedures, service to the public, employee morale, health, and safety. Any idea that contributes to the economy, efficiency, or increased effectiveness in carrying out Government programs is eligible for a suggestion award. Suggestions should be submitted in writing to your Incentive Awards Coordinator. The amount of the award is based on the value of the suggestion.

Inventions And Patents — Inventions made by employees are subject to established patent regulations. If you make or develop an invention while you are employed in the Department, it must be reported through your supervisor and the Director to the Solicitor. If the invention is a group effort, the report is made by the supervisor. It is usually advisable for a supervisor to make early contact with the nearest Office of the Solicitor. This will insure receiving appropriate guidance on the specific legal and regulatory factors involved and the methods of handling the case. Your personnel or administrative office will provide you with full information on the procedure to follow. You may receive a monetary award for an invention or patent based on its tangible or intangible benefits.

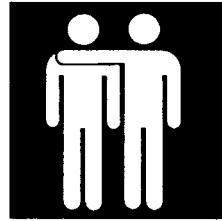
NON-MONETARY AWARDS

Honor Awards — The Department recognizes employees who perform in a superior manner over a period of time or make contributions to administration, science, or research. Departmental nonmonetary honor awards include the Distinguished Service Award, Outstanding Service Award, Meritorious Service Award, Superior Service Award, Public Service Award, Career Service Award, and others. These awards consist of plaques, medals, certificates, scrolls and are prized because of their limited number.

Length of Service Awards — Length of service awards are presented to employees who complete 10, 20, 30, 40 and 50 years Federal service. These awards consist of a certificate plus a lapel pin, tie tack or charm. Employees who complete 10, 20, 30, 40 and 50 years with BLM may be presented a certificate for their service to the Bureau.

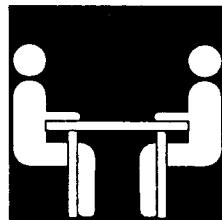
Outside Awards — Federal employees are eligible for a number of honor awards from private foundations, boards and/or committees. These non-monetary awards are generally given for excellence in management, administration or some field of science or engineering.

EMPLOYEE ASSISTANCE PROGRAM



Should you encounter any emotional, personal, financial, or alcohol or drug related problem, you should know that help is available. The Bureau sponsors an Employee Assistance Program, which is a referral program that uses community resources to rehabilitate employees to restore them to optimal job performance. Should you need to participate in this program, you will be granted a reasonable amount of sick leave, annual leave, or lacking these, leave without pay for rehabilitation. There are also provisions for excused absences for the initial counseling session(s). Any record developed during the treatment is confidential and will be preserved in the same manner as medical records. Your job security or promotion opportunities will not be jeopardized by participation in this program.

LABOR MANAGEMENT RELATIONS



Title VII of the Civil Service Reform Act, effective on January 11, 1979 established the policy and basic procedures for labor-management relations in the Federal Service. The Department provides further guidance to the Bureau as to the particular application of policy and procedures, as well as consultation regarding determinations, problems, and third-party matters.

Each employee has the right to form, join and assist a labor organization or to refrain from any such activity. There may be no interference, restraint, coercion, or discrimination practiced within the agency to encourage or discourage membership in a labor organization. Therefore, employees may exercise this right freely and without fear of penalty or reprisal.

Certain employees, such as supervisors, management officials and others, are prohibited from participation in the management of a labor organization or acting as a representative thereof. This is because such participation or activity would result in an actual or apparent conflict of interest, or otherwise be incompatible with law or their official duties.

When a majority of the eligible employees voting by a secret ballot election in an appropriate unit select a labor organization as their representative, the organization is certified as the exclusive representative of all employees in the unit. This entitles the labor organization to act for and to negotiate agreements covering all employees in the unit, regardless of labor organization membership. The union represents the employees in all matters pertaining to conditions of employment, including personnel policies and practices. An agreement negotiated between the exclusive representative and management constitute the contract for the unit.



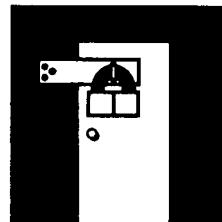
GRIEVANCE

The dignity and importance of each individual are recognized and respected in the Bureau. Any employee presenting a grievance is assured that there will be no restraint, interference, coercion or reprisal, and that the grievance will be considered fairly and objectively on its merits.

Informal—When you are dissatisfied with an action that affects you, you should first discuss your dissatisfaction informally with your supervisor. If, for some reason, you do not wish to do this, you may discuss the matter with a higher level supervisor, your administrative officer, or with your SPO. Informal consideration must begin within 15 days following a specific act or occurrence, but may be initiated anytime for a continuing condition.

Formal—If informal consideration does not result in a satisfactory adjustment, you may file a formal grievance within 5 days following receipt of the informal decision. The full procedures for doing this are available in each office and assistance is available from your SPO.

Where an exclusive unit recognition with a labor organization is in existence and an agreement (contract) has been negotiated, it is mandatory that a grievance procedure be written into the contract. When such a procedure applies, it must be followed by all employees included in the unit when they have a grievance.



EEO COMPLAINTS

Any employee who believes he or she has been discriminated against because of race, religion, sex (including sexual harassment), color, national origin, age, and/or mental or physical handicap may file an Equal Employment Opportunity (EEO) complaint. If you decide to file a complaint you must contact an EEO counselor or officer within 30 days of the alleged discriminatory act.

Informal—The complaint process provides an initial period of 21 calendar days for informal discussions in order to attempt to reach a resolution.

Formal—If the complaint cannot be resolved informally within the 21 calendar days, you will have 15 additional calendar days to file a formal complaint. You will be afforded a reasonable amount of official time to present your claim to an EEO counselor. You may request anonymity until and/or unless you file a formal complaint. You may be accompanied throughout the complaint process by a representative of your choosing. Should you file a complaint you are assured that you and your representatives and/or witnesses shall be free from restraint, interference, coercion or reprisal during the presentation and/or processing of your complaint.

CONDUCT AND RESPONSIBILITY



As an employee of the United States Government, you are expected to comply with Federal laws and to observe the regulations of the Office of Personnel Management, the Department of the Interior, and the Bureau of Land Management. You are expected to be aware of your privileges and responsibilities as a Federal employee. All employees must familiarize themselves with Title 43 of the Code of Federal Regulations, Part 20. 735, "Employee Responsibilities and Conduct." A copy of this release is furnished each employee upon entrance on duty. You should make appropriate inquiry before involving yourself in any practice or activity which may be subject to question. Employees new to the Government sometimes do not realize how innocent acts may appear to a member of the public. Those outside the Bureau and the Department are inclined to judge the entire Bureau and Department on the basis of personal conduct of employees during and outside of working hours.

You are permitted to express your opinion and points of view on matters before you for consideration. However, after a policy has been established, you are required to comply. If you fail to carry out any lawful regulation, order, or policy, or refuse to obey proper requests from your supervisors, you may be subject to appropriate disciplinary action. When the opportunity arises to be of assistance to a member of the public, whether by telephone or in person, remember that you are dealing with an individual. In his/her mind, you may represent the Federal government, and thus he/she could form an opinion of a major Federal program on the basis of your responsiveness, or worse, your lack of it.

The following is a discussion of some types of misconduct. This should not be considered a substitute for a thorough review of 43 CFR 20.375.

Attendance and Tardiness—You are expected to be at work by your scheduled starting time unless your supervisor has approved leave or delayed arrival. Occasional instances of unscheduled leave (calling your supervisor at your scheduled reporting time for annual or sick leave) or tardiness may be unavoidable. Habitual tardiness and/or unscheduled leave could lead to disciplinary action.

Gambling and Use of Intoxicants—You are not permitted to gamble or use alcohol while on official duty and within federally owned or leased property. Intoxicants are not to be taken at any time while operating, or for a reasonable time period prior to operating, a vehicle or equipment. Criminal, infamous, dishonest, or immoral conduct on the part of an employee may be causes for removal from Government service.

Government Supplies and Property—You are cautioned against taking home or converting to private use Government property that you may assume is no longer needed or is of no further value to the Government. To do so constitutes misconduct. You will be held accountable for government property and monies entrusted to you. It is your responsibility to protect, conserve, and use them economically. When you are authorized to use a Government automobile or aircraft, it does not include using the vehicle for pleasure, shopping, camping, hunting trips, or sight-seeing. Unless authorized in advance in writing, you are not permitted to use a Government vehicle to travel between your residence and place of employment. A government automobile is to be used only for matters connected with official duties. Unauthorized use of a government vehicle, including airplanes, carries a mandatory penalty of at least 30 days suspension.

Interest in Public Lands—As an employee of the BLM, you and your spouse are prohibited from voluntarily acquiring any interest in lands or resources administered by the Bureau, or retaining an interest in lands or resources administered by the Bureau, during employment with the Department of the Interior. This includes ownership of stock in a corporation if that corporation or its subsidiary holds an interest in Federal lands. You are not permitted to have an active real estate broker or salesmen's licence while you are employed by BLM.

Seasonal or intermittent employees except U.S. Mineral Surveyors employed for less than 180 working days in a calendar year; and temporary employees appointed for less than 130 working days in a calendar year engaged in field work relating to land, range, forest, and mineral conservation and management activities, may retain interests which they hold, including renewal rights in lands or resources administered by the Bureau.

If you are in doubt as to whether acquisition or retention of any interest in lands or resources would violate the provisions of the regulations, you should contact the Assistant Ethics Counselor in your SPO.

Financial Interest—Employees may not have direct or indirect financial interests that conflict, or appear to conflict, with their responsibilities and duties as Federal employees. You may not, except officially in the discharge of your duties, represent anyone before a court or Government agency in a

particular matter in which the United States is a party or has an interest. You may not use your Government employment for personal gain for yourself or another person. Further, you may not give the appearance of using your employment for private gain for yourself or another person.

Outside Work—You are permitted to have another job only if it does not prevent you from devoting your primary interests, talents, and energies to your position in the Bureau. For example, abuse of leave privileges in order to engage in outside work shall be treated as an interference with official performance. Also, there must not be a conflict of interest. A “conflict of interest” may be defined as when a Federal employee’s outside activities, usually of an economic nature, conflict or raise a reasonable question of conflict with his/her Government duties and responsibilities. Outside work may not be conducted on Government time, nor may it involve the use of Government funds, facilities, or equipment. You must report to your supervisor outside employment performed frequently or on a standardized schedule. If you have any questions concerning outside employment activities, please consult your supervisor or personnel office.

Political Activity—As a citizen, you have the right to register and vote and to express your opinions on political questions and candidates. As a Federal employee, however, you are restricted by the Hatch Act from taking an active part in partisan political management or partisan political campaigns and elections. You may attend a primary meeting, mass convention, caucus, etc., and vote on any question presented. You may not, however, act as an officer of the meeting, convention, or caucus; may not be a delegate to a convention; may not address, make motions, prepare or assist in preparing resolutions, represent others, or take a prominent part. You cannot prepare, organize, or conduct a political meeting or rally if partisan politics are involved. You may be a member of a political club and vote on questions presented by you. However, you may not be active in organizing such a club or be an officer of the club, nor may you take an active part in its management or affairs, represent other members, or attempt to influence other members by your actions or words. You may not distribute campaign literature. You may display a poster or picture in the windows of your home or in your automobile, and wear a political badge or button, unless restricted by agency regulation, while carrying out your official duties.

You may participate in activities or organizations that have for their primary objective the production of good government or the local civic welfare, provided such activities have no connection with the campaigns of partisan candidates or parties. You may be a candidate for office in a nonpartisan State or local election and serve, if elected, as long as holding such an office would not conflict or interfere with your official duties, or adversely affect our

programs or relationships with the public. Penalties required by law for violating the limitation and restrictions on political activity are severe. If you are interested in engaging in political activity of any kind, you are urged to consult your SPO.

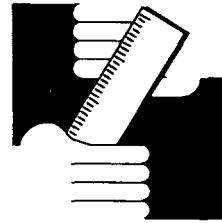
Use of Telephones—You are authorized to make reasonable, but limited, use of Government telephone systems for necessary personal calls that are consistent with the following criteria:

- The call does not adversely affect the performance of your official duties or your organization's functions;
- It is of reasonable duration and frequency, and;
- It could not have been reasonably made at another time, or;
- It is provided for in a collective bargaining agreement which was negotiated prior to issuance of the latest GSA regulation.

All other personal calls made during work hours from Government telephones must be placed over the commercial telephone network and charged to your home number, non-Government personal credit card, or the party called.

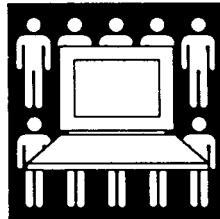
When in a travel station for more than one night you may be reimbursed for one call each night. The length and number of such calls shall be kept to a minimum. In conducting official business by long-distance calls, you must use the Government's long-distance telephone network, generally called the FTS, whenever such service is available. You can make official long-distance calls via FTS, to other Government and non-Government telephones. The FTS is for official Government business only.

DISCIPLINARY ACTIONS



Disciplinary Actions—Disciplinary actions may be imposed upon employees whose conduct raises problems. Examples of misconduct are insubordination, failure to follow instructions, misuse of leave, absence without leave (AWOL), excessive tardiness, and immoral conduct. Disciplinary actions for misconduct range from a written warning or letter of reprimand to a suspension of 14 days or less. Suspensions for more than 14 days, reduction in grade or pay, furlough of 30 days or less, or removal are considered "adverse actions". Consideration will be given to all factors involved in deciding what penalty is appropriate, including not only the gravity and frequency of the offense but also any mitigating factors. Mitigation must be followed before taking certain disciplinary actions or any adverse action against any career, career-conditional, or indefinite employee in the competitive service not serving a probationary or trial period. Procedures include a written notice to the employee of the proposed action stating the reasons for the action and provide the employee with an opportunity to reply before the final decision is made. The deciding official must consider the employee's reply, if any, before making his/her decision, and notify the employee in writing of the decision. A decision that results in an adverse action can be appealed to the appropriate office of the Merit Systems Protection Board, or grieved by an employee represented by a union.

PERSONNEL RECORDS



Your Official Personnel Folder—Your Official Personnel Folder (OPF) contains the official papers pertaining to your employment, and is the permanent record of your service in the Federal Government. It is maintained for official use only, and is not open to inspection by unauthorized persons. Records are kept on who, when, and why an OPF was reviewed.

You may inspect your own OPF and may copy any of the material or data in it. If you wish to review your OPF you should contact your SPO or administrative office for an appointment. Any sensitive medical information is filed apart from the OPF and is only disclosed to a qualified physician or other person to whom you give a written release.

Protecting Your Personal Privacy—Our Nation's founders placed a great value on human worth, individual dignity, and the right to privacy. The Privacy Act of 1974 strengthened these rights. You are permitted access to most records that contain personal data about you, and to request corrections of such records where appropriate. There can be no secret records kept that pertain to you except as statutorily provided. There can be no unwarranted disclosures of information from these records and the records should contain no unnecessary or, insofar as possible, incorrect information. A member of the public, upon request, does have a right to certain information about a Federal employee: name, grade, current occupation, salary, location, and prior salary. Your home address and home telephone number are not public information and are not disclosed. When you help to ensure the privacy of other employees, you will be working to safeguard your own individual right to privacy.

Changes in Name, Marital Status, Home Address, or Dependents—Your salary check is sent to your home address or to a financial institution for credit to your account. You should keep this information current and report any changes, including name, home address, or dependents to your supervisor who will help you initiate the forms required to inform the

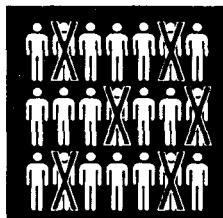
personnel and payroll offices to make appropriate changes in personnel and payroll records. Unless you change your name by court order or marriage, you should sign your name in the same way on all official forms and documents. It is required that you use a given name as well as one or more initials, if you have any. A woman, notwithstanding her marriage, has the right to use her maiden name on Government records, provided she uses the same name consistently on all records. She may also elect to use the prefix Ms. instead of Miss or Mrs.

RESIGNATION



If you resign from your position you are expected to give as much advance notice as possible. Two weeks is generally considered the minimum notice, although more is desirable, if possible. The resignation, submitted in writing to your supervisor, should include the effective time and date, a forwarding address, and your reasons for resigning. When you leave the Bureau, all building passes, keys, identification cards, and other credentials or Government property must be turned in to the appropriate administrative office. Any indebtedness to the Government for travel advances, leave used but not earned, and the like, must be liquidated before final salary payment is made.

REDUCTION IN FORCE



It is sometimes necessary to reduce employment or abolish a position because of lack of work or funds, or for other reasons. If personnel cuts must be made, the order in which employees are separated is determined on the

basis of status, length of service, veterans preference, and performance rating. If you should be affected by a reduction-in-force, you will be given an explanation of how the order of retention and separation was determined, and an opportunity to inspect the retention register. Your personnel office will make every effort to effect the necessary reduction through reassignment of employees to other jobs, placement of employees in other bureaus or agencies, not filling jobs already vacant, shifting surplus employees to new projects as jobs occur, and through other measures designed to protect employees from adverse effects. If the reduction cannot be accomplished through these measures in the time allowed, it becomes necessary to make involuntary separations. If you then feel that you have been affected through error in applying the reduction-in-force system, you are entitled to appeal the action.



SEVERANCE PAY

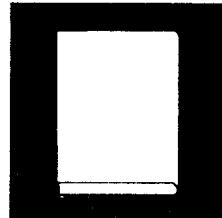
If you are involuntarily separated from a career appointment without personal cause, and if you are not eligible for retirement on an immediate annuity, you may be eligible for severance pay. The amount of allowable severance pay will be computed by your personnel office.



UNEMPLOYMENT COMPENSATION

Federal employees, with a few exceptions, are covered by unemployment insurance without cost to them. Therefore, if you are involuntarily separated for any reason, other than misconduct, you may be eligible to receive such benefits. Unemployment benefits are paid by a State employment security agency under the provisions of its employment security law. The States are reimbursed by the United States Government for payments to Federal employees. The amount of your weekly payment is dependent upon

the law of the State where you were last employed. Further information and necessary forms for filing a claim will be furnished to you upon separation from Federal employment.



CONCLUSION

It is hoped that you have found this booklet interesting and informative. However, you should understand that the information it contains is not complete without other standard publications that have been distributed on individual subjects. If you have other questions concerning your employment please feel free to discuss the matter with your supervisor, or take them to your administrative or personnel office for advice and guidance.